

FILED  
U.S. DISTRICT COURT

2010 MAY 25 P 3:35

CLERK OF COURT

BY \_\_\_\_\_  
DEPUTY CLERK

Tracy H. Fowler (1106)  
Kamie F. Brown (8520)  
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*Attorneys for Defendant Cessna Aircraft Company,  
a Kansas Corporation*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

ROBERTA VILLANUEVA, individually and as  
person representative of the estate of Fred Villanueva,  
deceased, MARK FREDERICK VILLANUEVA,  
MATTHEW LEE VILLANUEVA, NICOLE LYNN  
VILLANUEVA and RAYMOND MICHAEL  
VILLANUEVA,

Plaintiffs,

vs.

CESSNA AIRCRAFT COMPANY, a corporation,  
and GOODRICH CORPORATION, a corporation,

Defendants.

**ORDER OF DISMISSAL  
WITH PREJUDICE**

Case No. 1:05-CV-00097


Judge Ted Stewart

Upon consideration of the Stipulation of the parties, Plaintiffs Roberta Villanueva, individually and as personal representative of the estate of Fred Villanueva, deceased, Mark Fredrick Villanueva, Matthew Lee Villanueva, Nicole Lynn Villanueva, and Raymond Michael Villanueva ("Plaintiffs") and Defendants Cessna Aircraft Company, a corporation, and Goodrich Corporation, a corporation, ("Defendants"), for dismissal of all claims and good cause appearing therefore,

IT IS HEREBY ORDERED that all claims against Defendants Cessna Aircraft Company and Goodrich Corporation are hereby dismissed with prejudice, each party to bear its respective attorneys' fees and costs.

SO ORDERED this 25th day of May, 2010.

BY THE COURT:

  
\_\_\_\_\_  
Judge Ted Stewart  
District Court Judge

Approval as to Form:

Dewsnup, King & Olsen

/s/ Colin P. King

\_\_\_\_\_  
Colin P. King  
Counsel for Plaintiffs  
(signed by permission of counsel)

Nolan Law Group  
Jerome L. Skinner  
Liaison Counsel for Plaintiffs

Richards Brandt Miller & Nelson

/s/Micahel P. Zaccheo

\_\_\_\_\_  
Michael P. Zaccheo  
Counsel for Defendant  
Goodrich Corporation  
(signed by permission of counsel)

# UNITED STATES DISTRICT COURT

District of Utah

FILED  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Rohn Wanner

**Judgment in a Criminal Case**  
(For Revocation of Probation or Supervised Release)

2010 MAY 21 P 2:11

Case No. DUTX1:08-CR-00088-001 DAK

USM No. 15606-081

Benjamin Hamilton

Defendant's Attorney

## THE DEFENDANT:

- ☒ admitted guilt to violation of condition(s) 1, 4, and 5 of the term of supervision.  
☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1	Dft submitted a urine sample which tested positive for Methamphetamine	11/06/2009
4	Dft failed to remain home during his curfew	03/27/2010
5	Dft tested positive for Methamphetamine	04/14/2010

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☒ The defendant has not violated condition(s) 2 and 3 and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 0180

Defendant's Year of Birth: 1965

City and State of Defendant's Residence:  
Brigham City, Utah

05/20/2010

Date of Imposition of Judgment

Dale A. Kimball

Signature of Judge

Dale A. Kimball

U.S. District Judge

Name and Title of Judge

May 21, 2010

Date

DEFENDANT: Rohn Wanner

CASE NUMBER: DUTX1:08-CR-00088-001 DAK

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

4 months.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Rohn Wanner

CASE NUMBER: DUTX1:08-CR-00088-001 DAK

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
24 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Rohn Wanner

CASE NUMBER: DUTX1:08-CR-00088-001 DAK

**SPECIAL CONDITIONS OF SUPERVISION**

1. All previously imposed special conditions are reimposed.

DEFENDANT: Rohn Wanner  
CASE NUMBER: DUTX1:08-CR-00088-001 DAK

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 78.96 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below); or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay.
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The location monitoring balance of \$78.96 for the original offense is reinstated.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

CARLIE CHRISTENSEN, Acting United States Attorney (#0633)  
JEANNETTE F. SWENT, Assistant United States Attorney (#6043)  
Attorneys for the United States of America  
185 South State Street, Ste. 300  
Salt Lake City, Utah 84111  
Telephone: (801) 524-5682

FILED  
U.S. DISTRICT COURT

2010 MAY 25 P 3:19

DISTRICT OF UTAH

CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

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UNITED STATES OF AMERICA,	:	
	:	Civil No. 1:08 CV 00155 DS
Petitioner,	:	
	:	ORDER OF DISMISSAL
v.	:	
TINA DENISE LOUISE THOMPSON,	:	
	:	
Respondent.	:	

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Based upon the United States' Notice of Dismissal and good cause appearing therefor,

IT IS HEREBY ORDERED that this case is DISMISSED, with each party to bear its own costs.

DATED this 25<sup>th</sup> day of \_\_\_\_\_ 2010.

BY THE COURT:

  
\_\_\_\_\_  
Honorable Judge David Sam  
United States District Court



IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

ALLSTATE INSURANCE COMPANY, as  
subrogee of Bruce Axtell,

Plaintiff,

vs.

ADVANCE RESTORATION SYSTEMS,  
CHOATE ELECTRICAL SERVICES,  
SPRING CREEK BUILDERS, INC., and  
EARL TAYLOR,

Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING DEFENDANT  
SPRING CREEK BUILDERS, INC.'S  
MOTION FOR SUMMARY  
JUDGMENT

Case No. 1:09-CV-80 TS

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This matter is before the Court on Defendant Spring Creek Builder Inc.'s Motion for Summary Judgment. Plaintiff has not responded to this Motion. For the reasons discussed below, the Court will grant the Motion.

**I. Introduction**

The following facts are not in dispute. This action is based in negligence against all Defendants due to a fire caused at the Axtell residence on August 25, 2006. Prior to the 2006

fire, Mr. Axtell had hired Defendant Spring Creek during the summer of 2005 to add a single car garage to the Axtell's then existing double car garage and to also construct an unattached pool house to the property. The improvements were completed in the fall of 2005. Shortly thereafter, in December of 2005, the Axtell residence sustained damage as a result of a fire caused by the Axtells' children playing with matches in their basement. Following this initial fire, Mr. Axtell hired Advanced Restoration Systems to act as the general contractor for the restoration and repair of the residence. In August 2006, the Axtells were a few weeks away from taking occupancy of their home when the second fire occurred.

A few days after the fire, Plaintiff hired an expert to inspect the premises. The expert conducted testing of an enclosed abandoned light outlet box and fixture components from the attic on October 31, 2006, and again on January 13, 2007. Although described as "abandoned," the wiring from the fixture was still connected to the house power. Based on the testing, Plaintiff's electrical engineering expert prepared a report in which he stated his opinion that the fire was most likely due to electrical failure in the abandoned light fixture outlet box in the attic of the home.

After Plaintiff's experts inspected, used and analyzed the artifacts and evidence salvaged from the fire to determine the cause of the fire, the objects were disposed of at the direction of Plaintiff and were not made available to Defendants for inspection. Plaintiff admitted that the electrical light fixture, including the fixture base and wiring which it alleges caused the fire, were

destroyed.<sup>1</sup>

## **II. Standard of Review**

Summary judgment is proper if the moving party can demonstrate that there are no genuine issues of material fact and it is entitled to judgment as a matter of law.<sup>2</sup> The Court construes all facts and reasonable inferences in the light most favorable to the nonmoving party.<sup>3</sup> In considering whether genuine issues of material fact exist, the Court determines whether a reasonable jury could return a verdict for the nonmoving party in the face of all the evidence presented.<sup>4</sup> “When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials in his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial, if he does not so respond, summary judgment, if appropriate, shall be entered against him.”<sup>5</sup> “All material facts of record meeting the requirements of Fed. R. Civ. P. 56 that are set forth with particularity in the statement of the movant will be deemed admitted for the purpose of summary judgment, unless specifically controverted by the statement of the opposing party identifying material facts of record meeting

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<sup>1</sup>Defendant Spring Creek Memorandum in Support, Docket No. 40, at vii (citing Pl. Resp. to Req. for Admis. at 2).

<sup>2</sup>See FED. R. CIV. P. 56(c).

<sup>3</sup>*Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986); *Wright v. Southwestern Bell Tel. Co.*, 925 F.2d 1288, 1292 (10th Cir. 1991).

<sup>4</sup>See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986); *Clifton v. Craig*, 924 F.2d 182, 183 (10th Cir. 1991).

<sup>5</sup>FED. R. CIV. P. 56(e)(2).

the requirements of Fed. R. Civ. P. 56.”<sup>6</sup>

### **III. Discussion**

Defendant Spring Creek argues that because this action is based in negligence, the statute of limitations is two years, and Plaintiff failed to bring the action within the required time period. Defendant cites Utah Code Ann. § 78-12-21.5 (2004),<sup>7</sup> which states that all actions not based in contract or warranty “shall be commenced within two years from the earlier of the date of discovery of a cause of action or the date upon which a cause of action should have been discovered through reasonable diligence.”<sup>8</sup> The one exception to this rule is for actions “for death of or bodily injury to an individual while engaged in the design, installation, or construction of an improvement,”<sup>9</sup> which is not at issue in this case. This statute applies to all causes of action against a provider that accrue after May 3, 2003.<sup>10</sup>

Defendant Spring Creek argues that because Plaintiff’s expert found on January 13, 2007 that the cause of the fire was the abandoned electrical box, it had until January 13, 2009 to bring a cause of action, but did not do so until June 8, 2009, almost six months after the statute of limitations ran.

Moreover, because Plaintiff destroyed the evidence that led to their expert’s opinion

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<sup>6</sup>DUCivR 56-1(c).

<sup>7</sup>This statute was renumbered effective February 7, 2008 , and is currently cited as UTAH CODE ANN. § 78B-2-225.

<sup>8</sup>UTAH CODE ANN. § 78-12-21.5 (2004).

<sup>9</sup>*Id.* at 78-12-21.5(2)(e).

<sup>10</sup>*Id.* at § 78-12-21.5(11).

about the cause of the fire, Plaintiff is unable to argue it was involved in an ongoing investigation as to the cause of the fire.

The Court finds that it is undisputed that Plaintiff's expert opined as to the cause of the fire on January 13, 2007, and subsequently destroyed the objects of the investigation. Accordingly, Plaintiff had until January 13, 2009, to bring a cause of action, and it failed to do so in a timely manner. Moreover, Plaintiff has not responded to this Motion, and therefore the Court may grant the Motion without further notice according to DUCivR 56-1(f).

#### **IV. Conclusion**

Based on the above, it is hereby

ORDERED that Defendant Spring Creek's Motion for Summary Judgment (Docket No. 39) is GRANTED. It is further

ORDERED that the Clerk of Court to enter a judgment in favor of Defendant Spring Creek Builders, Inc.

DATED May 25, 2010.

BY THE COURT:

  
\_\_\_\_\_  
TED STEWART  
United States District Judge

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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ALLSTATE INSURANCE COMPANY, as  
subrogee of Bruce Axtell,

Plaintiff,

vs.

ADVANCE RESTORATION SYSTEMS,  
CHOATE ELECTRICAL SERVICES,  
SPRING CREEK BUILDERS, INC., and  
EARL TAYLOR,

Defendants.

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MEMORANDUM DECISION AND  
ORDER GRANTING DEFENDANT  
EARL TAYLOR'S MOTION FOR  
SUMMARY JUDGMENT

Case No. 1:09-CV-80 TS

This matter is before the Court on Defendant Earl Taylor's Motion for Summary Judgment. Plaintiff has not responded to this Motion. For the reasons discussed below, the Court will grant the Motion.

**I. Introduction**

The following facts are not in dispute. This action is based in negligence against all Defendants due to a fire caused at the Axtell residence on August 25, 2006. In December of 2005, the Axtell residence sustained damage as a result of a fire caused by the Axtells' children

playing with matches in their basement. Following this initial fire, Mr. Axtell hired Advanced Restoration Systems to act as the general contractor for the restoration and repair of the residence. Advanced Systems hired Defendant Taylor as a subcontractor to perform some of the electrical work. In August 2006, the Axtells were a few weeks away from taking occupancy of their home when the second fire occurred.

A few days after the fire, Plaintiff hired an expert to inspect the premises. The expert conducted testing of an enclosed abandoned light outlet box and fixture components from the attic on October 31, 2006, and again on January 13, 2007. Although described as “abandoned,” the wiring from the fixture was still connected to the house power. Based on the testing, Plaintiff’s electrical engineering expert prepared a report in which he stated his opinion that the fire was most likely due to electrical failure in the abandoned light fixture outlet box in the attic of the home.

After Plaintiff’s experts inspected, used and analyzed the artifacts and evidence salvaged from the fire to determine the cause of the fire, the objects were disposed of at the direction of Plaintiff and were not made available to Defendants for inspection. Plaintiff admitted that the electrical light fixture, including the fixture base and wiring which it alleges caused the fire, were destroyed.<sup>1</sup>

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<sup>1</sup>Defendant Taylor Memorandum in Support, Docket No. 38, at ¶ 13 (citing Pl. Resp. to Req. for Admis. at 2).

## II. Standard of Review

Summary judgment is proper if the moving party can demonstrate that there are no genuine issues of material fact and it is entitled to judgment as a matter of law.<sup>2</sup> The Court construes all facts and reasonable inferences in the light most favorable to the nonmoving party.<sup>3</sup> In considering whether genuine issues of material fact exist, the Court determines whether a reasonable jury could return a verdict for the nonmoving party in the face of all the evidence presented.<sup>4</sup> “When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials in his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial, if he does not so respond, summary judgment, if appropriate, shall be entered against him.”<sup>5</sup> “All material facts of record meeting the requirements of Fed. R. Civ. P. 56 that are set forth with particularity in the statement of the movant will be deemed admitted for the purpose of summary judgment, unless specifically controverted by the statement of the opposing party identifying material facts of record meeting the requirements of Fed. R. Civ. P. 56.”<sup>6</sup>

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<sup>2</sup>See FED. R. CIV. P. 56(c).

<sup>3</sup>*Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986); *Wright v. Southwestern Bell Tel. Co.*, 925 F.2d 1288, 1292 (10th Cir. 1991).

<sup>4</sup>See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986); *Clifton v. Craig*, 924 F.2d 182, 183 (10th Cir. 1991).

<sup>5</sup>FED. R. CIV. P. 56(e)(2).

<sup>6</sup>DUCivR 56-1(c).



### III. Discussion

Defendant Taylor acknowledges he is a provider under the statute but argues that because this action is based in negligence, the statute of limitations is two years, and Plaintiff failed to bring the action within the required time period. Defendant cites Utah Code Ann. § 78-12-21.5 (2004),<sup>7</sup> which states that all actions not based in contract or warranty “shall be commenced within two years from the earlier of the date of discovery of a cause of action or the date upon which a cause of action should have been discovered through reasonable diligence.”<sup>8</sup> The one exception to this rule is for actions “for death of or bodily injury to an individual while engaged in the design, installation, or construction of an improvement,”<sup>9</sup> which is not at issue in this case. This statute applies to all causes of action against a provider that accrue after May 3, 2003.<sup>10</sup>

Defendant Taylor argues that because Plaintiff’s expert found on January 13, 2007 that the cause of the fire was the abandoned electrical box, it had until January 13, 2009 to bring a cause of action, but did not do so until June 8, 2009, almost six months after the statute of limitations ran.

Moreover, because Plaintiff destroyed the evidence that led to their expert’s opinion about the cause of the fire, Plaintiff is unable to argue it was involved in an ongoing investigation as to the cause of the fire.

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<sup>7</sup>This statute was renumbered effective February 7, 2008 , and is currently cited as UTAH CODE ANN. § 78B-2-225.

<sup>8</sup>UTAH CODE ANN. § 78-12-21.5 (2004).

<sup>9</sup>*Id.* at 78-12-21.5(2)(e).

<sup>10</sup>*Id.* at § 78-12-21.5(11).

The Court finds that it is undisputed that Plaintiff's expert opined as to the cause of the fire on January 13, 2007, and subsequently destroyed the objects of the investigation. Accordingly, Plaintiff had until January 13, 2009, to bring a cause of action, and it failed to do so in a timely manner. Moreover, Plaintiff has not responded to this Motion, and therefore the Court may grant the Motion without further notice according to DUCivR 56-1(f).

#### **IV. Conclusion**

Based on the above, it is hereby

ORDERED that Defendant Taylor's Motion for Summary Judgment (Docket No. 37) is GRANTED. It is further

ORDERED that the Clerk of Court to enter a judgment in favor of Defendant Taylor.

DATED May 25, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART  
United States District Judge

Mark F. James (5295)  
Gary A. Dodge (0897)  
Hatch, James & Dodge, P.C.  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101  
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Email: mjames@hjdllaw.com  
gdodge@hjdllaw.com

*Attorneys for Plaintiffs/Counter-Defendants*

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**IN THE UNITED STATES DISTRICT COURT,  
IN AND FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

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EZRA K. NILSON, *et al.*,  
Plaintiffs,

v.

JPMorgan Chase Bank, N.A., individually  
and as administrative agent, *et al.*,  
Defendants.

**ORDER FOR PRO HAC VICE  
ADMISSION OF DAVID H. OROZCO**

Case No. 1:09-cv-00121

Judge Dale A. Kimball

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of David H. Orozco in the United States District Court, District of Utah in the subject case is GRANTED.

Dated this 25<sup>th</sup> day of May, 2010.

  
U.S. District Judge

Mark F. James (5295)  
Gary A. Dodge (0897)  
Hatch, James & Dodge, P.C.  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101  
Telephone: (801) 363-6363  
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Email: mjames@hjdllaw.com  
gdodge@hjdllaw.com

*Attorneys for Plaintiffs/Counter-Defendants*

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**IN THE UNITED STATES DISTRICT COURT,  
IN AND FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

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EZRA K. NILSON, *et al.*,  
Plaintiffs,

v.

JPMorgan Chase Bank, N.A., individually  
and as administrative agent, *et al.*,  
Defendants.

**ORDER FOR PRO HAC VICE  
ADMISSION OF NABEEL H. PERACHA**

Case No. 1:09-cv-00121

Judge Dale A. Kimball

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Nabeel H. Peracha in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 25<sup>th</sup> day of May, 2010.

  
U.S. District Judge

DAVID V. FINLAYSON (6540)  
ATTORNEY FOR DEFENDANT  
43 East 400 South  
Salt Lake City, Utah 84111  
Telephone: (801) 220-0700  
Facsimile: (801) 364-3232

FILED  
U.S. DISTRICT COURT  
200 MAY 25 AM 11:29  
DISTRICT OF UTAH  
BY [Signature]

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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

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UNITED STATES of AMERICA,  
  
Plaintiff,

v.

NOALL CHRISTON LAYTON,  
  
Defendant.

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**ORDER STRIKING JURY TRIAL  
AND SETTING CHANGE OF PLEA**

Case No. 1:10-CR-31

Honorable Clark Waddoups

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Based on the Motion to Continue the Jury Trial filed by defendant, Noall Christon Layton, in the above-entitled case, and good cause appearing, the court makes the following findings:

1. Mr. Layton's case involves a 10 year minimum mandatory drug charge and therefore involves complicated issues needing research and investigation. Therefore, the defense needs additional time in order to appropriately negotiate a resolution of this case.

2. Assistant Utah Attorney General, Don Brown, has been contacted and has no objection to the Defendant's motion.

3. The ends of justice are best served by a continuance of the trial date, and the ends of justice outweigh the interest of the public and the Defendant to in speedy trial.

Based on the foregoing findings, it is hereby:

ORDERED

Based upon Motion of Defendant, stipulations of parties and good cause appearing therefore, this Court HEREBY ORDERS that the jury trial currently set for May 25, 2010 be stricken and a change of plea scheduled for the 11<sup>th</sup> of June, 2010 at 2:00 pm. Pursuant to 18 U.S.C. § 3161(h), the Court finds that the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between the date of this order and the new trial date set forth above is excluded from speedy trial computation for good cause.

DATED this 24<sup>th</sup> day of May, 2010.

  
\_\_\_\_\_  
HONORABLE JUDGE CLARK WADDOUPS  
United States Court Judge

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

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UNITED STATES OF AMERICA,	:	Case No. 1:10-CR-54 TC
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
ROMAN BORBON-HURTADO,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

---

This matter came before this Court on 5/25/10 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Spencer Rice . The United States was represented by Assistant United States Attorney Stan Olsen. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for **7/19/10 at 2:30 p.m.** before **Judge Tena Campbell**.

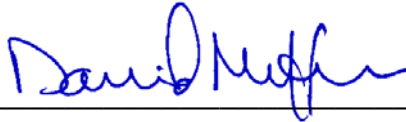
This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel



for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between **5/25/10** (the date of this appearance), and **7/19/10** (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 25th day of May, 2010.

BY THE COURT:



---

David Nuffer  
United States Magistrate Judge

# UNITED STATES DISTRICT COURT

Central District of Utah

UNITED STATES OF AMERICA

v.

## Judgment in a Criminal Case

(For Revocation of Probation or Supervised Release)

Craig Distefano

Case No. DUTX 2:04CR00823-001 TC

USM No. 12797-081

Jamie Zenger

Defendant's Attorney

### THE DEFENDANT:

☒ admitted guilt to violation of condition(s) Allegation #1 of the Petition of the term of supervision.

☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

### Violation Number

### Nature of Violation

### Violation Ended

1.

On 4/16/2010, the defendant submitted a urine sample which tested positive for opiates.

The defendant is sentenced as provided in pages 2 through 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 9175

Defendant's Year of Birth: 1966

City and State of Defendant's Residence:  
Ogden, Utah

05/21/2010

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell Chief, United States District Court Judge  
Name and Title of Judge

5-24-2010

Date

DEFENDANT: Craig Distefano  
CASE NUMBER: 2:04CR00823-001 TC

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

**10 Months**

- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on \_\_\_\_\_.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

United States Probation Office  
for the District of Utah

Report on Offender Under Supervision

Name of Offender: **William Branstiter**

Docket Number: **2:05-CR-00101-001-DAK**

Name of Sentencing Judicial Officer: **Honorable Dale A. Kimball**  
**Senior U.S. District Judge**

Date of Original Sentence: **June 13, 2006**

Original Offense: **Bank Fraud; Aggravated Identity Theft**

Original Sentence: **57 Months Bureau of Prisons Custody/36 Months Supervised Release**

Type of Supervision: **Supervised Release** Supervision Began: **December 17, 2009**

**SUPERVISION SUMMARY**

On May 13, 2010, the defendant submitted a urinalysis which tested positive for methamphetamine. On May 20, 2010, the defendant signed an acknowledgment that he additionally used methamphetamine on May 18, 2010.

Mr. Branstiter had been attending weekly NA meetings, and will additionally be referred to substance-abuse treatment. His testing frequency will be increased and he will be closely monitored for further drug use.

It is respectfully recommended that no further action be taken at this time.

If the Court desires more information or another course of action, please contact me at 801-535-2811.

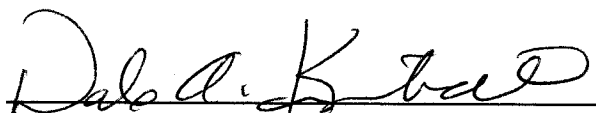
I declare under penalty of perjury that the foregoing is true and correct.



Mary Schuman  
U.S. Probation Officer  
Date: May 21, 2010

THE COURT:

- ☒ Approves the request noted above  
☐ Denies the request noted above  
☐ Other



Honorable Dale A. Kimball  
Senior U.S. District Judge

Date: May 24, 2010

UNITED STATES DISTRICT COURT

District of Utah Central Division

UNITED STATES OF AMERICA

v.

Khalid El Sherriff

Judgment in a Criminal Case

(For Revocation of Probation or Supervised Release)

Case No. DUTX2:05CR000539-001

USM No. 11-15-081

Kent Hart, FPD

Defendant's Attorney

THE DEFENDANT:

- ☒ admitted guilt to violation of condition(s) allegations #1 & 2 in petition of the term of supervision.  
☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1	Dft failed to comply with the rules/regulations of the RRC in that he deviated from his approved itinerary and was unaccountable in the community.	
2	Dft altered a legal document.	

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: \_\_\_\_\_

05/20/2010

Date of Imposition of Judgment

Defendant's Year of Birth: \_\_\_\_\_

City and State of Defendant's Residence: \_\_\_\_\_

*David Sam*

Signature of Judge

David Sam

U.S. District Judge

Name and Title of Judge

*May 25, 2010*

Date

DEFENDANT: Khalid El Sherriff  
CASE NUMBER: DUTX2:05CR000539-001

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

3 months.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Khalid El Sherriff

CASE NUMBER: DUTX2:05CR000539-001

**SPECIAL CONDITIONS OF SUPERVISION**

1. All previously imposed special conditions ordered on 01/27/2006 and 03/18/2009, are reimposed.





DEFENDANT: Khalid El Sherriff  
CASE NUMBER: DUTX2:05CR000539-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 93,429.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below); or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay.
- F ☒ Special instructions regarding the payment of criminal monetary penalties:  
The court orders that the outstanding \$75.00 special assessment fee and \$90,000.00 restitution ordered on 01/26/2006 for the original offense be reinstated and the \$3354.00 restitution ordered on 03/18/2009 for the violation be reinstated.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH CENTRAL DIVISION

PERSONAL IDENTIFICATION ATTACHMENT  
(Sealed-Not for Public Disclosure)

Case Name: USA v. Khalid El Sherriff

Case Number: 2:05-cr-539

Defendant: Khalid El Sherriff

The attached Personal Identification Attachment is a sealed addendum to the  
Judgement and Commitment Order issued on 05/20/2010.

UNITED STATES DISTRICT COURT  
District of Utah

UNITED STATES OF AMERICA

v.

Nicholas Fred Mandarin

**Judgment in a Criminal Case**

(For Revocation of Probation or Supervised Release)

Case No. DUTX2:05CR000929-001-CW

USM No. 75227-081

Benjamin C. McMurray

Defendant's Attorney

**THE DEFENDANT:**

☒ admitted guilt to violation of condition(s) 3 (1/22/10) & 1 (4/19/10) ptn of the term of supervision.

☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
3	Associated w/person engaged in crim. activity/convicted felon	01/29/2010
1	Tested positive for methamphetamine on 4/15/10	04/19/2010

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ The defendant has not violated condition(s) 1&2 (1/22/10) and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 2632

Defendant's Year of Birth: 1979

City and State of Defendant's Residence:  
West Jordan, UT

05/20/2010

Date of Imposition of Judgment

Clark Waddoups

Signature of Judge

Hon. Clark Waddoups

District Court Judge

Name and Title of Judge

5/24/2010

Date

DEFENDANT: Nicholas Fred Mandarino  
CASE NUMBER: DUTX2:05CR000929-001-CW

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on \_\_\_\_\_ .
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Nicholas Fred Mandarino

CASE NUMBER: DUTX2:05CR000929-001-CW

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
**36 months**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Nicholas Fred Mandarino  
CASE NUMBER: DUTX2:05CR000929-001-CW

**SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing.
2. The defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the United States Probation Office and shall not possess or consume alcohol during the course of treatment, nor frequent business where alcohol is the chief item of order.
3. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the United States Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

United States Probation Office  
for the District of Utah

Report on Offender Under Supervision

Name of Offender: **Monique Brems**

Docket Number: **2:06-CR-00440-001-DB**

Name of Sentencing Judicial Officer: **Honorable Dee Benson**  
**U.S. District Judge**

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

Date of Original Sentence: **February 6, 2008**

Original Offense: **Possession of a Sawed-Off Shotgun**

**MAY 25 2010**  
BY **D. MARK JONES, CLERK**  
DEPUTY CLERK

Original Sentence: **21 Months Bureau of Prisons Custody/36 Months Supervised Release**

Type of Supervision: **Supervised Release**

Supervision Began: **October 9, 2009**

**SUPERVISION SUMMARY**

The above-named defendant appeared before the Court on February 6, 2008, and was subsequently sentenced to a 21-month term of commitment with the U.S. Bureau of Prisons, to be followed by a 36-month term of supervised release. During the defendant's term of supervised release, she has struggled with securing long-term, suitable employment and would like to explore the possibility of furthering her education, in an attempt to further her long-term employment prospects. She has subsequently been referred to the Utah State Office of Rehabilitation (Vocational Rehabilitation) for employment and/or educational services. The defendant has been accepted for services through Vocational Rehabilitation. Vocational Rehabilitation has recently requested a copy of the defendant's Presentence Report in order to assist them in their assessment and their determination of eligibility for the defendant.

It is respectfully requested that the defendant's Presentence Report be released to Vocational Rehabilitation for assessment and determination of eligibility purposes. If the Court desires more information or another course of action, please contact me at 801-535-2732.


I declare under penalty of perjury that the foregoing is true and correct.



Maria EA Sanchez  
U.S. Probation Officer  
Date: May 21, 2010

**THE COURT:**

- ☒ Approves the request noted above  
☐ Denies the request noted above  
☐ Other



Honorable Dee Benson  
U.S. District Judge

Date: 5/27/10

**United States Probation Office  
for the District of Utah**

**Report on Offender Under Supervision**

Name of Offender: **Monique Brems**

Docket Number: **2:06-CR-00440-001-DB**

Name of Sentencing Judicial Officer: **Honorable Dee Benson  
U.S. District Judge**

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

Date of Original Sentence: **February 6, 2008**

Original Offense: **Possession of a Sawed-Off Shotgun**

**MAY 25 2010**  
BY **D. MARK JONES, CLERK**

Original Sentence: **21 Months Bureau of Prisons Custody/36 Months Supervised Release**

Type of Supervision: **Supervised Release**

Supervision Began: **October 9, 2009**

**SUPERVISION SUMMARY**

The defendant is requesting to travel outside the United States with her husband, Mr. Renee Torres, and her grandfather, Mr. Arnold Gonzales. Mr. Torres has been ordered to be removed from the United States, and he has been granted a voluntary departure. The defendant and her grandfather would like to accompany Mr. Torres to Mexico. The defendant would like to depart Salt Lake City, Utah, on June 20, 2010. The defendant, her husband, and grandfather would like to travel to Jalisco, Mexico, where the defendant's husband will reside. They plan to travel by car, a 2003 Chevy Cavalier, which is owned by Mr. Arnold Gonzalez. The defendant and her grandfather will then return to Salt Lake City, Utah, on July 10, 2010. Mr. Torres will remain in Mexico, until such time that he can legally enter into and/or reside in the United States.

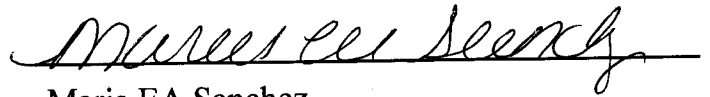
The defendant's term of supervised release commenced on October 9, 2009. Since the inception of the defendant's term of supervised release, she has complied with all standard and special conditions as ordered by the Court. A review of the defendant's financial obligations reflects that all financial obligations were paid in full on February 19, 2010. The defendant has maintained a stable residence since the inception of her term of supervised release. The defendant has recently been referred for educational/employment assistance with Vocational Rehabilitation. It is anticipated that the defendant will be accepted for services within the next 30 days. The defendant has not engaged in any new criminal conduct, nor has she come in contact with law enforcement since the commencement of her term of supervised release. Additionally, the defendant has submitted all monthly supervision reports as directed.

Due to the defendant's performance during the course of supervision, this officer supports the defendant's request for travel and is requesting the approval of the Court at this time. Additionally, this officer has spoken with Assistant U.S. Attorney Barbara Bearson, who does not oppose the defendant's request for travel.



If the Court desires more information or another course of action, please contact me at 801-535-2732.

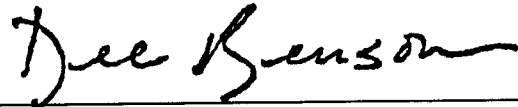
I declare under penalty of perjury that the foregoing is true and correct.



Maria EA Sanchez  
U.S. Probation Officer  
Date: May 21, 2010

**THE COURT:**

- ☒ Approves the request noted above  
☐ Denies the request noted above  
☐ Other



Honorable Dee Benson  
U.S. District Judge

Date: \_\_\_\_\_

United States District Court  
for the District of Utah

SEALED

## Request and Order to Withdraw Warrant or Summons

Name of Offender: **Fernando Galvan-Polanco**Docket Number: **2:06-CR-00835-001-DAK**Name of Sentencing Judicial Officer: **Honorable Dale A. Kimball**  
**Senior U.S. District Judge**

2010 MAY 24 P 3:48

Date of Original Sentence: **January 25, 2007**

DISTRICT OF UTAH

Original Offense: **Reentry of a Previously Removed Alien**Original Sentence: **18 Months Bureau of Prisons Custody/36 Months Supervised Release**Type of Supervision: **Supervised Release**Supervision Began: **March 4, 2008**

## PETITIONING THE COURT

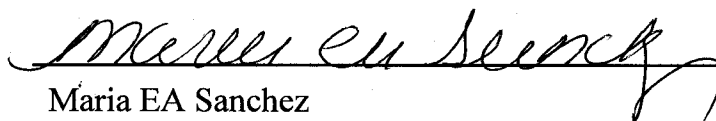
☒ [ X ] To withdraw the warrant or summons issued May 19, 2010, as follows:

## CAUSE

On or about May 18, 2010, in the U.S. District Court, District of Arizona, Phoenix Division, the defendant was named in a one count Complaint of violation of 8 U.S.C. § 1326(a)(b)(1) Illegal Reentry After Deported, a Felony, Docket No. 2:10-mj-07237-ECV. Information has been received that revealed the defendant was on supervised release at the time he committed a new criminal offense, which will result in an enhanced penalty at the time of sentencing.

I respectfully recommend that the warrant currently lodged as a detainer be withdrawn, and the defendant's term of supervised release be closed unsuccessfully.

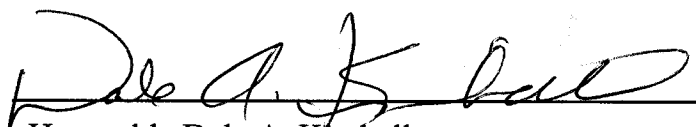
I declare under penalty of perjury that the foregoing is true and correct.



Maria EA Sanchez  
U.S. Probation Officer  
Date: May 24, 2010

## THE COURT ORDERS:

- ☒ [ X ] That the warrant or summons issued May 19, 2010, be withdrawn and the supervised release be closed unsuccessfully
- ☐ [ ] No action
- ☐ [ ] Other



Honorable Dale A. Kimball  
Senior U.S. District Judge

Date: May 24, 2010

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

200 MAY 25 P 3:19

\* \* \* \* \*

UNITED STATES OF AMERICA, ) Case No. 2:07 CR 903 DS  
Plaintiff, )

vs. ) ORDER DENYING MOTION  
FOR EARLY TERMINATION  
OF SUPERVISED RELEASE

PATRICK MICHAEL AUSTIN, )  
Defendant. )

\* \* \* \* \*

This matter is before the court on motion of the defendant, Patrick Michael Austin, for early termination of supervised release. The court has reviewed the motion and the opposition filed by the United States Attorney. It is the determination of the court that Mr. Austin's motion should be and hereby is denied as being premature at this time. As noted by the United States, the defendant has barely completed one-third of his imposed term of supervised release. Furthermore, the defendant's motion does not articulate specific reasons supporting his motion as required by 18 U.S.C. Sec. 3583(e)(1).

The court invites the defendant to file a similar request after completing at least fifty (50) percent of his original 36 month term. At that time, the court will consider striking or modifying any arduous and/or unnecessary conditions to reduce the level of supervision.

Accordingly, the court denies the motion for early termination of supervised released.

SO ORDERED.

DATED this 20th day of May, 2010.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "David Sam", is written above a horizontal line.

DAVID SAM  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

PREPARED AND SUBMITTED BY:

James E. Magleby (7247)

[magleby@mgpclaw.com](mailto:magleby@mgpclaw.com)

Jennifer Fraser Parrish (11207)

[parrish@mgpclaw.com](mailto:parrish@mgpclaw.com)

**MAGLEBY & GREENWOOD, P.C.**

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Christopher A. Wadley (pro hac vice)

[cwadley@wwmlawyers.com](mailto:cwadley@wwmlawyers.com)

**WALKER WILCOX MATOUSEK LLP**

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Chicago, Illinois 60606

Telephone: 312.244.6700

Facsimile: 312.244.6800

Attorneys for Plaintiff and Counterclaim  
Defendant Westport Insurance Corporation

---

**IN THE UNITED STATES DISTRICT COURT**

**DISTRICT OF UTAH, CENTRAL DIVISION**

---

**WESTPORT INSURANCE  
CORPORATION,**

**Plaintiff and Counterclaim Defendant,**

**v.**

**RAY, QUINNEY & NEBEKER, P.C.,  
BRENT D. WRIDE, DAVID K.  
LAURITZEN, P.C., DAVID K.  
LAURITZEN, and EDUCATORS  
MUTUAL INSURANCE ASSOCIATION  
OF UTAH,**

**Defendants and Counterclaim Plaintiffs.**

---

**RAY, QUINNEY & NEBEKER, P.C.,  
BRENT D. WRIDE, and DAVID K.  
LAURITZEN,**

**Third-Party Plaintiffs,**

**v.**

**ST. PAUL FIRE & MARINE  
INSURANCE CO.,**

**Third-Party Defendant.**

**ORDER**

**Case No. 2:07-cv-236 TC**

**Honorable Tena Campbell**

---

Based on the stipulation of the parties on file with the Court, Westport Insurance Corporation ("Westport"); Ray, Quinney & Nebeker, P.C. ("RQN"); Brent D. Wride ("Wride"); David K. Lauritzen, P.C. ("DKL"); David K. Lauritzen ("Lauritzen"); Educators Mutual Insurance Association of Utah ("EMIA"); and St. Paul Fire & Marine Insurance Co. ("St. Paul"), the Court hereby dismisses EMIA from this lawsuit.

Dated: May 24, 2010.

Tena Campbell  
Hon. Tena Campbell

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

ALBERT CRAMER,	)	<b>O R D E R</b>
	)	
Petitioner,	)	Case No. 2:07-CV-681 DAK
	)	
v.	)	District Judge Dale A. Kimball
	)	
STATE OF UTAH,	)	
	)	
Respondent.	)	

---


Petitioner, Albert Cramer, filed a document entitled,  
"Addition of Withheld Evidence, Request for a Decision and Remedy  
Request." (See Docket Entry # 40.)

IT IS HEREBY ORDERED that, by June 25, 2010, Respondent must  
respond to this document.

IT IS FURTHER ORDERED that, by July 9, 2010, Petitioner must  
reply to Respondent's response.

DATED this 25<sup>th</sup> day of May, 2010.

BY THE COURT:



DISTRICT JUDGE DALE A. KIMBALL  
United States District Court

United States District Court  
for the  
District of Utah  
May 25, 2010

\*\*\*\*\*MAILING CERTIFICATE OF THE CLERK\*\*\*\*\*

RE: Albert Cramer v. State of Utah  
2:07-cv-681 DAK

Albert Cramer  
29464  
UTAH STATE PRISON  
OQUIRRH C-1  
PO BOX 250  
DRAPER, UT 84020-0250

Christopher D. Ballard  
UTAH ATTORNEY GENERAL'S OFFICE  
160 E 300 S 6TH FLOOR  
PO BOX 140854  
SALT LAKE CITY , UT 84114-0854

A handwritten signature in cursive script, reading "Melissa Saddler", is written over a horizontal line.

Melissa Saddler, Deputy Clerk



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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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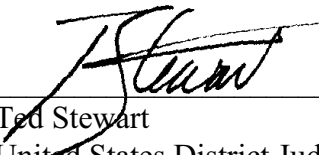
SEARCH MARKET DIRECT, INC., et al.,,	:	
Plaintiff,	:	ORDER OF RECUSAL
vs.	:	
GARY E. JUBBER, liquidating trustee, et	:	Case No. 2:07-CV-822 TS
al.,,	:	
Defendant.	:	

---

I recuse myself in this case, and ask that the appropriate assignment card  
equalization be drawn by the clerk's office.

DATED this 25th day of May, 2010.

BY THE COURT:

  
\_\_\_\_\_  
Ted Stewart  
United States District Judge

FILED  
U.S. DISTRICT COURT

2010 MAY 25 A.M. 10:30

DISTRICT OF UTAH

BY: DEBORAH L. JAMES

Andrew W. Stavros (8615)  
**STAVROS LAW, P.C.**  
2150 South 1300 East, Ste. 500  
Salt Lake City, Utah 84106  
Tel: (801) 990-2780  
Fax: (801) 907-7216  
Email: [andy@stavroslaw.com](mailto:andy@stavroslaw.com)

*Attorneys for Plaintiffs*

---

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

---

PETER GIBBONS, et al.,

Plaintiffs,

vs.

NATIONAL REAL ESTATE INVESTORS,  
LC, et al.

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**ORDER**

Case No. 2:07-cv-00990-CW-SA

Judge Clark Waddoups

Magistrate Judge Sam Alba

---

Based upon Defendant Gregory K. Howell's Motion for Enlargement of Time to file an opposition to Plaintiffs' Motion for Partial Summary Judgment, and Plaintiffs' opposition, and good cause appearing therefor, the Court **ORDERS, ADJUDGES AND DECREES** as follows:

Defendant Gregory K. Howell is hereby granted until the end of the day on June 7, 2010 to file an opposition to Plaintiffs' Motion for Partial Summary Judgment against Gregory K. Howell.

**IT IS SO ORDERED.**

DATED this 24<sup>th</sup> day of May, 2010.

**BY THE COURT**

A handwritten signature in black ink, appearing to read "Clark J. Maldonado", written over a horizontal line.

~~Magistrate Judge Sam Alba~~  
United States District Court Judge

Andrew W. Stavros (8615)  
**STAVROS LAW, P.C.**  
2150 South 1300 East, Ste. 500  
Salt Lake City, Utah 84106  
Tel: (801) 990-2780  
Fax: (801) 907-7216  
Email: [andy@stavroslaw.com](mailto:andy@stavroslaw.com)

*Attorneys for Plaintiffs*

---

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

---

PETER GIBBONS, et al.,	:	
	:	ORDER
Plaintiffs,	:	
vs.	:	
	:	
NATIONAL REAL ESTATE INVESTORS,:	:	Case No. 2:07-cv-00990-CW-SA
LC, et al.	:	
	:	
Defendants.	:	
	:	
	:	

---

Based upon the joint motion filed by Defendant Serena A. Betts and Plaintiffs Peter Gibbons, Else Donnell, Daniel Matthews and Gladys Matthews, and for good cause appearing therefor, the Court hereby **ORDERS, ADJUDGES AND DECREES** as follows:

The joint motion to dismiss Plaintiffs' claims against Defendant Serena A. Betts with prejudice is hereby **GRANTED**. Each party shall bear its own costs and attorney's fees.

**IT IS SO ORDERED.**

DATED this 25th day of May, 2010.

**BY THE COURT**



---

Clark Waddoups  
United States District Court Judge

# UNITED STATES DISTRICT COURT

Central Division

District of ~~COLO~~

Utah

UNITED STATES OF AMERICA

V.

Jeffery Lyle Nay

Date of Original Judgment: 1/12/2009  
(Or Date of Last Amended Judgment)

## Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- ☒ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- ☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- ☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

## AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:08CR000467-002-CW

USM Number: 15548-081

Walter F. Bugden, Jr.

Defendant's Attorney

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- ☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- ☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- ☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
- ☐ Modification of Restitution Order (18 U.S.C. § 3664)

## THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1 of the Indictment
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. §2113(a)&(d)	Armed Bank Robbery		1

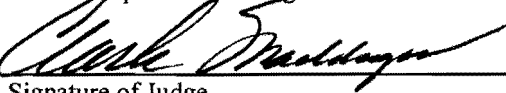
The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/18/2010

Date of Imposition of Judgment



Signature of Judge

Hon. Clark Waddoups

District Court Judge

Name of Judge

Title of Judge

Date

5/24/2010

DEFENDANT: Jeffery Lyle Nay  
CASE NUMBER: DUTX2:08CR000467-002-CW

Judgment — Page 2 of 7

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of

26 months

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends the defendant be incarcerated in a facility with as low a security designation as deemed appropriate. Defendant is to participate in mental health counseling.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☒ at 12:00 ☐ a.m. ☒ p.m. on 3/9/2009

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☒ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jeffery Lyle Nay

CASE NUMBER: DUTX2:08CR000467-002-CW

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of  
36 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### **STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.



DEFENDANT: Jeffery Lyle Nay  
CASE NUMBER: DUTX2:08CR000467-002-CW

Judgment—Page 4 of 7

### **SPECIAL CONDITIONS OF SUPERVISION**

- 1) The defendant shall participate in a mental health treatment program under a copayment plan as directed by the probation office, take any mental health medications as prescribed, and not possess or consume alcohol, nor frequent businesses where alcohol is the primary item of order, during the course of treatment or medication.
- 2) The defendant shall refrain from incurring new credit charges or opening additional lines of credit unless he is in compliance with any established payment schedule and obtains the approval of the probation office.
- 3) The defendant shall provide the probation office access to all requested financial information.

DEFENDANT: Jeffery Lyle Nay

CASE NUMBER: DUTX2:08CR000467-002-CW

### CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$ 51,800.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Goldenwest Credit Union		\$51,800.00	
3664 West 10400 South			
South Jordan, UT 84095			

TOTALS	\$	0.00	\$	51,800.00
--------	----	------	----	-----------

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☒ the interest requirement is waived for ☐ fine ☒ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Jeffery Lyle Nay  
CASE NUMBER: DUTX2:08CR000467-002-CW

Judgment — Page 6 of 7

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 51,900.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- SPA of \$1 00 is due and payable forthwith. Restitution in the amount of \$51 ,000 shall be paid in accordance with a schedule established by the Bureau of Prisons Inmate Financial Responsibility Program while incarcerated, Upon release from imprisonment payments will be made at a minimum rate of \$200 per months as directed by the U.S. Probation Office.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

United States District Court  
for the District of Utah

**Petition and Order for Summons for Offender Under Supervision**

Name of Offender: **Daniel Weilacher**

Docket Number: **2:08-CR-00566-001-CW**

Name of Sentencing Judicial Officer: **Honorable J. Thomas Greene**  
**Senior U.S. District Judge**

Name of Assigned Judicial Officer: **Honorable Clark Waddoups**  
**U.S. District Judge**

Date of Original Sentence: **June 29, 2009**

Original Offense: **Trafficking In Counterfeit Goods**

Original Sentence: **36 Months Probation**

Type of Supervision: **Probation**

Supervision Began: **June 29, 2009**

**PETITIONING THE COURT**

☒ To issue a summons

**CAUSE**

The probation officer believes that the offender has violated the conditions of supervision as follows:

**Allegation No. 1:** Between April 1 and May 5, 2010, the defendant failed to report, as directed, to the United States Probation Office with a truthful written report.

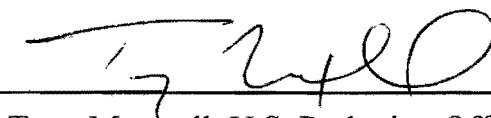
**Allegation No. 2:** Since April 1, 2010, the defendant has failed to work regularly at a lawful occupation or adhere to employment search requirements.

**Allegation No. 3:** On or about May 1, 2010, the defendant failed to report, as directed, and failed to submit requested financial information.

Evidence in support of these allegations is derived from direct supervision efforts and records therein.

Supervision was initiated in the District of Montana as the defendant worked and resided in that state at the time of sentencing. Supervision was transferred back to the District of Utah on December 15, 2009, after he and his family reestablished a local residence. In the interim, the behavior described in the above-noted allegations have been recurring issues.

I declare under penalty of perjury that the foregoing is true and correct



Tony Maxwell, U.S. Probation Officer

Date: May 19, 2010

**THE COURT ORDERS:**

- ☒ The issuance of a summons
- ☐ The issuance of a warrant
- ☐ No action
- ☐ Other



Honorable Clark Waddoups  
U.S. District Judge

Date: 5/24/2010

United States District Court  
for the District of Utah

**Request and Order for Modifying Conditions of Supervision  
With Consent of the Offender**  
(Waiver of hearing attached)

FILED  
U.S. DISTRICT COURT  
2010 MAY 25 A 11:31

Name of Offender: **Daniel Jason Gibb**

Docket Number: **2:08-CR-00584-001**

Name of Sentencing Judicial Officer: **Honorable Clark Waddoups**  
**U.S. District Judge**

Date of Original Sentence: **May 10, 2010**

Original Offense: **Activities Relating to Material Constituting of Containing Child  
Pornography**

Original Sentence: **1 day Confinement with 120 months Supervised Release**

Type of Supervision: **Supervised Release** Supervision Began: **May 10, 2010**

**PETITIONING THE COURT**

☒ To modify the conditions of supervision as follows:

1. The defendant shall participate in the United States Probation and Pretrial Services Office Computer and Internet Monitoring Program under a copayment plan, and will comply with the provisions outlined in:

Appendix A, Limited Internet Access  
(Computer and internet use, as approved)

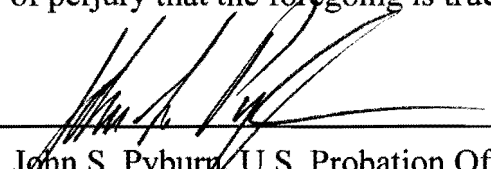
Furthermore; all computers, internet accessible devices, media storage devices, and digital media accessible to the defendant are subject to manual inspection/search, configuration, and the installation of monitoring software and/or hardware.

2. The defendant shall not view, access, or possess sexually explicit or pornographic materials in any format.

**CAUSE**

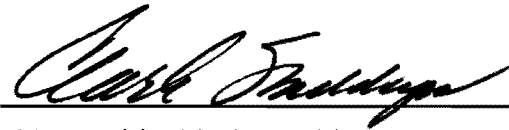
The defendant agrees by consent to the amending of his computer/internet condition to the current conditions utilized by the U.S. Probation Office.

I declare under penalty of perjury that the foregoing is true and correct

  
\_\_\_\_\_  
John S. Pyburn, U.S. Probation Officer  
Date: May 17, 2010

**THE COURT ORDERS:**

- ☒ The modification of conditions as noted above  
☐ No action  
☐ Other



Honorable Clark Waddoups  
U.S. District Judge

Date: 5/24/2010

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
PROBATION AND PRETRIAL SERVICES OFFICE**

**WAIVER OF RIGHT TO HEARING PRIOR TO  
MODIFICATION OF CONDITIONS OF SUPERVISION**

I have been advised by U.S. Probation Officer John S. Pyburn that he/she has submitted a petition and report to the Court recommending that the Court modify the conditions of my supervision in Case No.2:08-CR-00584-001. The modification would be:

1. The defendant shall participate in the United States Probation and Pretrial Services Office Computer and Internet Monitoring Program under a copayment plan, and will comply with the provisions outlined in:

Appendix A, Limited Internet Access  
(Computer and internet use, as approved)

Furthermore; all computers, internet accessible devices, media storage devices, and digital media accessible to the defendant are subject to manual inspection/search, configuration, and the installation of monitoring software and/or hardware.

2. The defendant shall not view, access, or possess sexually explicit or pornographic materials in any format.

I understand that should the Court so modify my conditions of supervision, I will be required to abide by the new condition(s) as well as all conditions previously imposed. I also understand the Court may issue a warrant and revoke supervision for a violation of the new condition(s) as well as those conditions previously imposed by the Court. I understand I have a right to a hearing on the petition and to prior notice of the date and time of the hearing. I understand that I have a right to the assistance of counsel at that hearing.

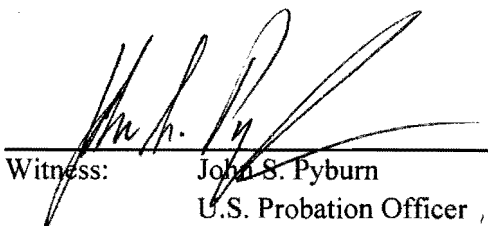
Understanding all of the above, I hereby waive the right to a hearing on the probation officer's petition, and to prior notice of such hearing. I have read or had read to me the above, and I fully understand it. I give full consent to the Court considering and acting upon the probation officer's petition to modify the conditions of my supervision without a hearing. I hereby affirmatively state that I do not request a hearing on said petition.



Daniel Jason Gibb

5-19-10

Date



Witness: John S. Pyburn  
U.S. Probation Officer ,



FILED  
U.S. DISTRICT COURT

2010 MAY 24 P 1:43

DISTRICT OF UTAH

BY: DEPUTY CLERK

PETER STIRBA (Bar No. 3118)  
R. BLAKE HAMILTON (Bar No. 11395)  
**STIRBA & ASSOCIATES**  
215 South State Street, Suite 750  
P.O. Box 810  
Salt Lake City, Utah 84110-0810  
Telephone: (801) 364-8300  
Facsimile: (801) 364-8355  
E-mail: [bhamilton@stirba.com](mailto:bhamilton@stirba.com)

*Attorneys for Third Party Defendant*

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

INTERMOUNTAIN RESOURCES, LLC, a  
Colorado limited liability company,

Plaintiffs,

v.

J. NEAL JORGENSEN and DIANE  
JORGENSEN, individuals; RECREATIONAL  
LANDS UNLIMITED, INC. d/b/a  
WHISPERING PINES RANCH, a Utah  
Corporation,

Defendants.

v.

PINE CREEK RANCH PROPERTY  
OWNERS ASSOCIATION, a Utah  
corporation,

Third-Party Defendant.

**ORDER EXTENDING DISPOSITIVE  
MOTION DEADLINES**

Case No. 2:08-cv-80


Judge Ted Stewart

This matter come before the Court on the parties' Joint Motion to Extend the Dispositive Motion Deadlines. Having considered the Motion, this Court hereby extends the Dispositive Motion Deadlines as follows:

- Extend dispositive motion deadline to June 4, 2010.

DATED this 24<sup>th</sup> day of May, 2010.

**BY THE COURT:**

  
\_\_\_\_\_  
HONORABLE SAMUEL ALBA  
United States District Court Magistrate

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

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SOURCE DIRECT HOLDINGS, INC., a  
Nevada corporation,

Plaintiff,

v.

INTEGRITAS, INC., a Nevada corporation;  
INTERNATIONAL MARKETING GROUP,  
INC., a company of unknown origin;  
CORPORATE CAPITAL, INC., a company of  
unknown origin; JONQUIL  
INTERNATIONAL, INC., a Nevada  
corporation; ASSET GROWTH  
STRATEGIES, INC., a Nevada corporation;  
REYNA ENTERPRISES, INC., a Nevada  
corporation; OMNICAP, INC., an Antigua  
corporation; SCOTT PHILLIP FLYNN, an  
individual; PHILLIP FLYNN, an individual;  
and ACTION STOCK TRANSFER, INC., a  
Utah corporation,

Defendants.

**ORDER:**

- **GRANTING PLAINTIFF'S  
COUNSEL'S MOTION FOR  
LEAVE TO WITHDRAW**
- **VACATING HEARING  
SCHEDULED FOR JUNE 3**
- **NOTIFYING PLAINTIFF OF  
THEIR OBLIGATION TO OBTAIN  
NEW COUNSEL**

Case No. 2:08-cv-520

District Judge Dee Benson

Magistrate Judge David Nuffer

---

Plaintiff's Counsel moves for leave to withdraw as counsel due to a conflict of interest created by Plaintiff's bankruptcy and counsel's status as a major unsecured creditor.<sup>1</sup>

Defendants filed a Memorandum in Opposition<sup>2</sup> and Plaintiff's counsel filed a Reply

Memorandum in Support of Motion.<sup>3</sup> The Court finds that a significant conflict of interest exists

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<sup>1</sup> Motion for Leave to Withdraw, docket no. 125, filed May 12, 2010.

<sup>2</sup> Defendant's Memorandum of Law in Opposition to Plaintiff's Counsel's Motion to Withdraw, docket no. 128, filed May 18, 2010.

<sup>3</sup> Reply Memorandum in Support of Motion for Leave to Withdraw, docket no. 129, filed May 21, 2010.

which would only be exacerbated by continued representation, to the detriment of client and counsel, and therefore the motion for leave to withdraw is therefore GRANTED.

Hearing on Motion for an Order to Show Cause

A hearing on a Motion for Order to Show Cause is scheduled for June 3, 2010. This hearing is vacated to give Plaintiff an opportunity to retain new counsel.

Plaintiff's Obligation to File a Notice of Appearance

New counsel must file a Notice of Appearance on behalf Source Direct Holdings, Inc. within twenty (20) days of this Order. Source Direct Holdings, Inc. may not appear pro se, but must be represented by an attorney who is admitted to practice in this court.

If Source Direct Holdings, Inc. fails to file a Notice of Appearance as set forth above, it may be subject to sanction pursuant to Federal Rule of Civil Procedure 16(f)(1), including but not limited to dismissal and/or default judgment.

**ORDER**

IT IS HEREBY ORDERED that Plaintiff's Counsel's Motion for Leave to Withdraw<sup>4</sup> is GRANTED as provided herein.

Dated this 25th day of May, 2010.

BY THE COURT



Magistrate Judge David Nuffer

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<sup>4</sup> Motion for Leave to Withdraw, docket no. 125, filed May 12, 2010.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

ELLEN ROBINSON, as an  
individual, an heir, and as  
the Personal Representative of  
the Estate of Paul Robinson;  
KENNETH ROBINSON, as an  
individual and heir; DAMON  
ROBINSON, as an individual and  
heir,

Plaintiffs,

v.

ALBERT NEUTEL,

Defendant.

Case No. 2:08-CV-637-SA

**ORDER OF DISMISSAL**

Based upon the Stipulation and Motion for Order of Dismissal  
(Doc. 31), and for good cause appearing, it is

**HEREBY ORDERED, ADJUDGED AND DECREED** that the above-  
referenced matter is dismissed, with prejudice, with each party  
to bear its own costs, including attorney fees, incurred herein.

DATED this 24th day of May, 2010.

BY THE COURT:



SAMUEL ALBA  
United States Magistrate Judge

FILED  
U.S. DISTRICT COURT

200 MAY 25 A 11:31

DEPT. OF JUSTICE

BY TELETYPE

George M. Haley, #1302  
David R. Parkinson, #8258  
Jay D. Gurmankin, #1275  
Steven M. Sansom, #10678  
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george.haley@hro.com  
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steve.sansom@hro.com

Rocco E. Testani (*pro hac vice pending*)  
Jamala S. McFadden (*pro hac vice pending*)  
SUTHERLAND ASBILL & BRENNAN LLP  
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Atlanta, Georgia 30309-3996  
Telephone: (404) 853-8448  
Facsimile: (404) 853.8806  
rocco.testani@sutherland.com

*Attorneys for Defendant BC Technical, Inc.*

---

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH CENTRAL DIVISION

---

PHILIPS ELECTRONICS NORTH  
AMERICA CORPORATION, a Delaware  
corporation; KONINKLIJKE PHILIPS  
ELECTRONICS NV, a foreign corporation;  
and PHILIPS MEDICAL SYSTEMS  
(CLEVELAND), INC., a California  
corporation,

Plaintiffs,

vs.

BC TECHNICAL, INC., a Utah corporation,

Defendant.

**ORDER GRANTING PRO HAC VICE  
ADMISSION OF ROCCO E. TESTANI**

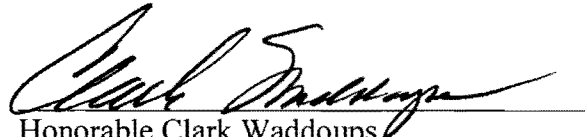
Case No. 2:08-cv-00639 CW

Judge Clark Waddoups

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of D.U. Civ R 83-1.1(d), the motion for the admission pro hac vice of Rocco E. Testani in the United States District Court, District of Utah in the subject case is GRANTED.

DATED this 24<sup>th</sup> day of May, 2010.

BY THE COURT:

  
Honorable Clark Waddoups  
U.S. District Court Judge

### CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May, 2010, I caused a true and correct copy of the  
**ORDER GRANTING PRO HAC VICE ADMISSION OF ROCCO E. TESTANI** to be  
served to the following counsel for plaintiffs as follows:

Michael R. Carlston  
Stanley J. Preston  
Bryan M. Scott  
Maralyn M. Reger  
SNOW CHRISTENSEN & MARTINEAU  
10 Exchange Place, 11<sup>th</sup> Floor  
P.O. Box 45000  
Salt Lake City, Utah 84145-5000

☐ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Facsimile  
☐ Overnight courier  
☒ E-Mail and/or CM/ECF

Roger J. Kindley  
Bryan C. Graff  
RYAN SWANSON & CLEVELAND PLLC  
1201 Third Avenue, Suite 3400  
Seattle, Washington 98101-3034

☐ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Facsimile  
☐ Overnight courier  
☒ E-Mail and/or CM/ECF

*Attorneys for Plaintiffs*





FILED  
U.S. DISTRICT COURT

200 MAY 25 AM 11:31

DISTRICT CLERK

CLERK OF COURT

George M. Haley, #1302  
David R. Parkinson, #8258  
Jay D. Gurmankin, #1275  
Steven M. Sansom, #10678  
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jay.gurmankin@hro.com  
steve.sansom@hro.com

Rocco E. Testani (*pro hac vice pending*)  
Jamala S. McFadden (*pro hac vice pending*)  
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Atlanta, Georgia 30309-3996  
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Facsimile: (404) 853.8806  
rocco.testani@sutherland.com

*Attorneys for Defendant BC Technical, Inc.*

---

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH CENTRAL DIVISION

---

PHILIPS ELECTRONICS NORTH  
AMERICA CORPORATION, a Delaware  
corporation; KONINKLIJKE PHILIPS  
ELECTRONICS NV, a foreign corporation;  
and PHILIPS MEDICAL SYSTEMS  
(CLEVELAND), INC., a California  
corporation,

Plaintiffs,

vs.

BC TECHNICAL, INC., a Utah corporation,

Defendant.

---

**ORDER GRANTING PRO HAC VICE  
ADMISSION OF JAMALA S. MCFADDEN**

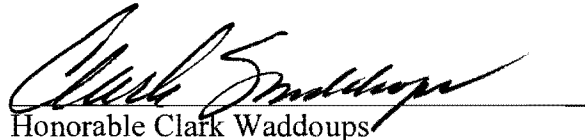
Case No. 2:08-cv-00639 CW

Judge Clark Waddoups

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of D.U. Civ R 83-1.1(d), the motion for the admission pro hac vice of Jamala S. McFadden in the United States District Court, District of Utah in the subject case is GRANTED.

DATED this 24<sup>th</sup> day of May, 2010.

BY THE COURT:

  
Honorable Clark Waddoups  
U.S. District Court Judge

### CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May, 2010, I caused a true and correct copy of the  
**ORDER GRANTING PRO HAC VICE ADMISSION OF JAMALA S. MCFADDEN** to be  
served to the following counsel for plaintiffs as follows:

Michael R. Carlston	<input type="checkbox"/> U.S. Mail, postage prepaid
Stanley J. Preston	<input type="checkbox"/> Hand Delivery
Bryan M. Scott	<input type="checkbox"/> Facsimile
Maralyn M. Reger	<input type="checkbox"/> Overnight courier
SNOW CHRISTENSEN & MARTINEAU	<input checked="" type="checkbox"/> E-Mail and/or CM/ECF
10 Exchange Place, 11 <sup>th</sup> Floor	
P.O. Box 45000	
Salt Lake City, Utah 84145-5000	

Roger J. Kindley	<input type="checkbox"/> U.S. Mail, postage prepaid
Bryan C. Graff	<input type="checkbox"/> Hand Delivery
RYAN SWANSON & CLEVELAND PLLC	<input type="checkbox"/> Facsimile
1201 Third Avenue, Suite 3400	<input type="checkbox"/> Overnight courier
Seattle, Washington 98101-3034	<input checked="" type="checkbox"/> E-Mail and/or CM/ECF

*Attorneys for Plaintiffs*



CARLIE CHRISTENSEN, Acting United States Attorney (#631)  
CY H. CASTLE, Assistant United States Attorney (#800)  
Attorneys for the United States of America  
185 South State Street, #300  
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Telephone: (801) 524-5682  
Facsimile: (801) 524-6924

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

MAY 24 2010

DEAN MARK JONES, CLERK  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,	:	
	:	ORDER APPROVING MOTION TO
Plaintiff,	:	STAY RESPONSE TO MOTION FOR
	:	RETURN OF PROPERTY
vs.	:	
	:	
\$303,581.82 in U.S. Currency,	:	Case No 2:08CV00670-DB
	:	
Defendant.	:	Judge Dee Benson
	:	
	:	

---

Based upon the motion of the United States to stay its response the Motion for Return of Property filed by Murray Auto Sales, and good cause appearing, it is ordered that the motion is granted and the government will have until June 4, 2010 to respond to the Motion for Return of Property.

Dated this 24<sup>th</sup> day of May, 2010.

BY THE COURT:

  
\_\_\_\_\_  
Judge Dee Benson

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JOHN WILLIAM PACHECO,**

**Defendant.**

**ORDER**

**Case No. 2:09cr55**

**District Judge Clark Waddoups**

**Magistrate Judge Paul M. Warner**

---

The court is in receipt of a letter from John William Pacheco (“Defendant”) dated May 11, 2010. The letter was addressed to and received by District Judge Clark Waddoups. Because Defendant requests that new counsel be appointed, Judge Waddoups forwarded the letter to Magistrate Judge Paul M. Warner, the magistrate judge who initially appointed counsel for Defendant.<sup>1</sup>

Upon review of Defendant’s letter, which the court will treat as a motion for appointment of new counsel, Defendant is requesting new counsel. This is Defendant’s third request for new counsel.<sup>2</sup> On January 22, 2009, attorney Rebecca H. Skordas was appointed to represent

---

<sup>1</sup> See docket no. 3.

<sup>2</sup> See docket nos. 31, 48, and 72.

Defendant.<sup>3</sup> On June 24, 2009, Defendant filed a motion seeking new counsel.<sup>4</sup> However, at a hearing on that motion, Defendant indicated that “he would like to keep his current counsel.”<sup>5</sup> As such, Ms. Skordas continued to represent Defendant in this matter. Then, on October 6, 2009, Defendant filed second motion for the appointment of new counsel,<sup>6</sup> which this court granted.<sup>7</sup> The court appointed Benjamin A. Hamilton to represent Defendant.<sup>8</sup> Now, Defendant has filed the instant motion asking the court to appoint a new “attorney who is willing to fight, both with [him] and for [him]” and that he “no longer feel[s], nor [does he] have that confidence in Mr. Hamilton.”<sup>9</sup>

After carefully reviewing Defendant’s motion, the court finds that Defendant has not provided any credible reason for appointing him new counsel. While Defendant is entitled to competent counsel, he is not entitled to counsel of his choice. The record cited above indicates that Defendant has had ample opportunity to have competent representation, a fact that has not changed simply because he wants to have someone else as counsel. Accordingly, Defendant’s motion is **DENIED**. Therefore, Mr. Hamilton will continue to represent Defendant in this

---

<sup>3</sup> See docket no. 3.

<sup>4</sup> See docket no. 31.

<sup>5</sup> Docket no. 33.

<sup>6</sup> See docket no. 48.

<sup>7</sup> See docket no. 52.

<sup>8</sup> See id.

<sup>9</sup> Docket no. 72.

matter. Mr. Hamilton is a very capable attorney, and the court encourages both Defendant and Mr. Hamilton to work together in the spirit of cooperation on Defendant's case.

**IT IS SO ORDERED.**

DATED this 24th day of May, 2010.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul M. Warner". The signature is written in black ink and is positioned above a horizontal line.

---

PAUL M. WARNER  
United States Magistrate Judge

# UNITED STATES DISTRICT COURT

Central Division

District of

Utah

UNITED STATES OF AMERICA

V.

Brent Clarence York

## AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:09CR000076-002-CW

USM Number: 16137-081

Stephen R. McCaughey

Defendant's Attorney

Date of Original Judgment: 5/28/2009  
(Or Date of Last Amended Judgment)

### Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))  
☒ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))  
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))  
☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))  
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))  
☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))  
☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)  
☐ Modification of Restitution Order (18 U.S.C. § 3664)

### THE DEFENDANT:

- ☒ pleaded guilty to count(s) 4 of the Indictment  
☐ pleaded nolo contendere to count(s) which was accepted by the court.  
☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. §1028A	Aggravated Identity Theft		4

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)  
☒ Count(s) 3 of the Indictment ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/18/2010

Date of Imposition of Judgment

Signature of Judge

Hon. Clark Waddoups

District Court Judge

Name of Judge

Title of Judge

Date

5/24/2010



DEFENDANT: Brent Clarence York  
CASE NUMBER: DUTX2:09CR000076-002-CW

Judgment — Page 2 of 7

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of

20 months and 19 days

☒ The court makes the following recommendations to the Bureau of Prisons:

the Court recommends the defendant serve his sentence at FCI Herlong, California

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Brent Clarence York  
CASE NUMBER: DUTX2:09CR000076-002-CW

Judgment—Page 3 of 7

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of  
12 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### **STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

DEFENDANT: Brent Clarence York  
CASE NUMBER: DUTX2:09CR000076-002-CW

Judgment—Page 4 of 7

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a onetime \$115 fee to partially defray the costs of collection and testing.
2. The defendant shall participate in a substance-abuse evaluation and/or treatment under a co-payment plan as directed by the probation office. During the course of treatment, the defendant shall not consume alcohol nor frequent any establishment where alcohol is the primary item of order.
3. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the probation office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
4. The defendant is to inform any employer or prospective employer of his current conviction and supervision status.
5. The defendant shall refrain from incurring new credit charges or opening additional lines of credit unless he is in compliance with any established payment schedule and obtains the approval of the probation office.
6. The defendant shall provide the probation office access to all requested financial information.

DEFENDANT: Brent Clarence York  
CASE NUMBER: DUTX2:09CR000076-002-CW

Judgment — Page 5 of 7

### CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$	\$ 1,317.97

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Sprint Nextel Corporate Security Re: 20080528-9128 KSOPHM0210-2A256 6480 Sprint Parkway Overland, KS 66251	\$1,317.97	\$1,317.97	

<b>TOTALS</b>	\$ <u>1,317.97</u>	\$ <u>1,317.97</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Brent Clarence York  
CASE NUMBER: DUTX2:09CR000076-002-CW

Judgment — Page 6 of 7

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- Restitution payments shall begin immediately and is due and payable at a minimum rate of \$25.00 through the Bureau of Prisons Inmate Financial Responsibility Program while incarcerated. Upon release from imprisonment, payments will be made at a minimum rate of \$100 per month as directed by the USPO.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

Restitution shall be paid joint and severally with co-defendant Ronald Alan Jensen, Case 2:09CR000076-001 CW

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

FILED  
U.S. DISTRICT COURT

2010 MAY 25 P 3:19

ENTERED

CLERK

James C. Haskins (1406)  
Ryan M. James (10946)  
Graham J. Haskins (11902)  
HASKINS & ASSOCIATES  
136 East South Temple, Suite 1420  
Salt Lake City, Utah 84111  
Telephone: (801) 539-0234  
Facsimile: (801) 539-5210  
*Filed Electronically*

---

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH - CENTRAL DIVISION

---

UNITED STATES OF AMERICA,  
  
Plaintiff,

vs.

LESTER HEMMERT MOWER, EVA  
JEANETTE MOWER, ADRIAN ANGUS  
WILSON, and NATHAN WHITNEY  
DRAGE,

Defendants.

**ORDER GRANTING MOTION TO  
PERMIT OUT OF COUNTRY TRAVEL  
AND PROCUREMENT OF PASSPORT**

Case No. 2:09-cr-00460-DS

Judge David Sam  
Magistrate Judge Brooke C. Wells

---

This Court having reviewed Defendant's Motion for Out of Country Travel and Procurement of Passport, and any opposition thereto and for good cause shown, it is hereby ORDERED that Defendant's Motion is GRANTED. Defendant shall be permitted to travel to Cabo San Lucas during the last week of May, 2010.

The Clerk's Office is directed to temporarily return Ms. Mower's United States Passport to

her on or before May 15, 2010. Ms. Mower is ORDERED and DIRECTED to return her United States Passport to the Clerk's Office on the first business day following her return to Salt Lake City, Utah. Ms. Mower will provide a copy of her itinerary to the United States' Probation Office and the United States' Attorney's Office prior to departure. Ms. Mower will notify the United States' Probation Office and the United States' Attorney's Office of any changes to her itinerary

DATED this 25<sup>th</sup> day of May, 2010.

**BY THE COURT:**

  
\_\_\_\_\_  
THE HONORABLE JUDGE DAVID SAM

### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing upon the following this 7<sup>th</sup> day of May, 2010, by causing a true and correct copy thereof to be:

- ☒ [ X] electronically filed
- ☐ [ ] mailed by United States First Class Mail, postage prepaid;
- ☐ [ ] sent by facsimile transmission to;
- ☐ [ ] hand delivered;

to counsel as follows:1

Carlos F. Negrete  
Law Office of Carlos F. Negrete  
27422 Calle Arroyo  
San Juan Capistrano, CA 92675  
*Attorney for Defendant Lester Mower*

Darin B. Goff  
Peter Striba  
Stirba & Associates  
215 S. State St., Ste 750  
P.O. Box 810  
Salt Lake City, UT 84111  
*Attorneys for Defendant Adrian Angus Wilson*

Joseph R. Goodman, Jr.  
57 W. 200 S., Suite 200  
Salt Lake City, UT 84101  
*Attorneys for Defendant Lester Mower*

Max D. Wheeler  
Richard A. Van Wagoner  
Snow, Christensen & Martineau  
10 Exchange Place, 11th Floor  
P.O. Box 45000  
Salt Lake City, UT 84145-5000  
*Attorneys for Nathan Whitney Drage*

Mark Y. Hirata  
US Attorney's Office  
Salt Lake City, UT 00000  
*Attorney for Plaintiff*

/s/

---

Vanessa Catlett



FILED  
200 MAY 25 AM 10:30  
DISTRICT COURT

# UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v.

Anthony Joe Armijo

**JUDGMENT IN A CRIMINAL CASE**

Case Number: DUTX2:09CR000843-001-CW

USM Number: 16653-081

Viviana Ramirez

Defendant's Attorney

**THE DEFENDANT:**☒ pleaded guilty to count(s) 1 of the Indictment☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §922(g)(1)	Felon in Possession of a Firearm and Ammunition		1

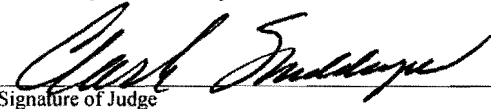
The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/20/2010

Date of Imposition of Judgment



Signature of Judge

Hon. Clark Waddoups

Name of Judge

District Court Judge

Title of Judge

Date

5/24/2010

DEFENDANT: Anthony Joe Armijo  
CASE NUMBER: DUTX2:09CR000843-001-CW

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

24 months

☒ The court makes the following recommendations to the Bureau of Prisons:

that the defendant NOT be designated to a facility in California, but either Colorado or Arizona

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. on 7/23/2010.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Anthony Joe Armijo

CASE NUMBER: DUTX2:09CR000843-001-CW

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
36 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Anthony Joe Armijo

CASE NUMBER: DUTX2:09CR000843-001-CW

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defray the costs of collection and testing.
2. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the probation office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
3. The defendant shall not have any contact with any member or associate of a criminal street gang/security threat group either in person, by mail, by phone, by e-mail, by third person, or by any other method.
4. The defendant shall not possess material which gives evidence of criminal street gang/security threat group involvement or activity.
5. The defendant shall not receive any new tattoos associated with a criminal street gang/ security threat group.
6. The defendant shall not wear clothing or other items that may be identified with a criminal street gang/security threat group.

DEFENDANT: Anthony Joe Armijo

CASE NUMBER: DUTX2:09CR000843-001-CW

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------


TOTALS	\$ 0.00	\$ 0.00
--------	---------	---------

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Anthony Joe Armijo  
CASE NUMBER: DUTX2:09CR000843-001-CW

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:  
A Sturm Ruger .22-caliber pistol and associated ammunition

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

RECEIVED

MAY 24 2010

FILED  
COURT  
MAY 25 AM 11:22

THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

OFFICE OF  
JUDGE TENA CAMPBELL

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN LINDLE HATTON,

Defendant.

:  
Case No. 2:09-cr-00907 TC  
:  
:  
ORDER GRANTING MOTION TO  
RESCIND ARREST WARRANT  
:  
:  
District Judge Tena Campbell

The government having moved the Court for an order to rescind the arrest warrant issued to Justin Lindle Hatton on May 12, 2010, and good cause appearing,

IT IS HEREBY ORDERED that the government's motion to rescind the arrest warrant that was previously issued to Justin Lindle Hatton be granted. The arrest warrant shall be rescinded and a summons shall be issued and sent to Mr. Hatton's attorney, Rebecca Hyde Skordas.

DATED this 24 day of May, 2010.

Tena Campbell  
TENA CAMPBELL  
United States District Court Judge

R. Willis Orton (2484)  
[worton@kmclaw.com](mailto:worton@kmclaw.com)  
Shawn T. Richards (11949)  
[srichards@kmclaw.com](mailto:srichards@kmclaw.com)  
KIRTON & McCONKIE  
60 East South Temple, Suite 1800  
P.O. Box 45120  
Salt Lake City, Utah 84145-0120  
Telephone: (801) 328-3600  
Facsimile: (801) 321-4893

Attorneys for Plaintiff

FILED  
U.S. DISTRICT COURT

2010 MAY 25 A. 11: 21

DISTRICT OF UTAH

BY: DEPUTY CLERK

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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

IOWA TANKLINES, INC., a Nevada  
corporation,

Plaintiff, and

RN INDUSTRIES TRUCKING, INC., a  
Delaware corporation, and RN INDUSTRIES,  
INC., a Delaware corporation,

Intervenor-Plaintiffs,

v.

MARION ENERGY, INC., a Texas  
corporation,

Defendant.

**ORDER GRANTING STIPULATED  
MOTION FOR EXTENSION OF TIME**

Civil No. 2:09cv319

Judge Tena Campbell

Based upon the parties' Stipulated Motion for Extension of Time, and good cause  
appearing therefor,



IT IS HEREBY ORDERED that Plaintiff Iowa Tanklines, Inc. shall have through the end of day on Wednesday, June 2, 2010 in which to file a Reply Memorandum in further support of its Motion for Summary Judgment.

DATED this 25<sup>th</sup> day May, 2010.

BY THE COURT:

By Tena Campbell  
Honorable Tena Campbell  
United States District Court Judge

Approved as to form:

KIRTON & McCONKIE:

By: /s/ Shawn T. Richards  
R. Willis Orton  
Shawn T. Richards  
Attorneys for Plaintiff

PARSONS, BEHLE & LATIMER:

By: /s/ Nicole G. Farrell (*submitted with permission of opposing counsel*)  
Shane D. Hillman  
Nicole G. Farrell  
Scott S. Bell  
Nicole Pyne  
Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

MICHAEL KEVIN VAN NAME,	)	<b>ORDER GRANTING MOTION</b>
	)	<b>&amp; REQUIRING RESPONSE</b>
Plaintiff,	)	
	)	Case No. 2:09-CV-630 CW
v.	)	
	)	District Judge Clark Waddoups
SARAH DONALDSON et al.,	)	
	)	
Defendants.	)	

---

Defendants' motion for a fourteen-day extension of time in which to file an answer or other response to the amended complaint is GRANTED. (See Docket Entry # 39.)

IT IS ALSO ORDERED that the Clerk of Court shall send a copy of Plaintiff's motions for appointed counsel, (see Docket Entry # 37), and for injunctive relief, (see Docket Entry # 38), along with a copy of this order, to Defendants.

IT IS FURTHER ORDERED that Defendants shall include, with their answer or other response to the complaint, a response to Plaintiff's motions for appointed counsel and injunctive relief.

DATED this 24th day of May, 2010.

BY THE COURT:



---

CLARK WADDOUPS  
United States District Judge

FILED  
U.S. DISTRICT COURT

---

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---


TODD A. ANDRIZZI, :  
 :  
 Plaintiff, : ORDER OF RECUSAL  
 :  
 vs. :  
 :  
 HARTFORD LIFE AND ACCIDENT : Case No. 2:09-CV-00791-CW  
 INSURANCE COMPANY, ET AL, :  
 Defendant. :

---

I recuse myself in this case, and ask that the appropriate assignment card  
equalization be drawn by the clerk's office.

DATED this 25th day of May, 2010.

BY THE COURT:

  
Clark Waddoups  
United States District Judge

---

Case: 2:09cv00791  
Assigned To : Campbell, Tena  
Referral Judge: Wells, Brooke C.  
Assign. Date : 5/25/2010  
Description: Andrizzi v. Hartford Life  
and Accident Insurance Company et



Signed this 25<sup>th</sup> day of May, 2010.

Dee Benson  
HONORABLE DEE BENSON

APPROVED AS TO FORM AND CONTENT:

/s/ Brian S. King  
Brian S. King  
ATTORNEYS FOR PLAINTIFFS

CARLIE CHRISTENSEN, Acting United States Attorney (#0633)  
JEANNETTE F. SWENT, Assistant United States Attorney (#6043)  
Attorneys for the United States of America  
185 South State Street, Ste. 300  
Salt Lake City, Utah 84111  
Telephone: (801) 524-5682

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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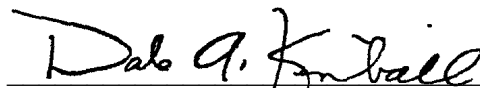
UNITED STATES OF AMERICA,	:	
	:	Civil No. 2:09 CV1102 DAK
Petitioner,	:	
	:	ORDER OF DISMISSAL
v.	:	
PAUL K. CROMAR,	:	
	:	
Respondent.	:	

---

Based upon the United States' Notice of Dismissal and good cause appearing therefor,  
IT IS HEREBY ORDERED that this case is DISMISSED, with each party to bear its own  
costs.

DATED this 25<sup>th</sup> day of May 2010.

BY THE COURT:



Honorable Judge Dale A. Kimball  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

RECEIVED CLERK  
RECEIVED CLERK  
MAY 10 2010  
U.S. DISTRICT COURT  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,  
Plaintiff,

v.

TYLER B. JOHNSON,  
Defendant.

ORDER GRANTING LEAVE TO DISMISS  
: MISDEMEANOR INFORMATION  
:  
: Case No. 2:10-CR-021  
:  
: Violation of Bureau of Land  
Management Sanitation Regulation  
: (43 U.S.C. § 1701 and 43 C.F.R.  
8365.1-1(b)(1))

Magistrate Judge Robert T.  
Braithwaite

Based upon the Motion of the United States of America, and for good cause appearing, the Court hereby grants the government leave to dismiss the above-captioned Misdemeanor Information, without prejudice, under Rule 48(a) of the Federal Rules of Criminal Procedure.

DATED this 24<sup>th</sup> day of May 2010.

BY THE COURT:

  
United States Magistrate

# UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v.

Mario Alexander Torres-Banegas

## JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:10-CR-00200-001 DAK-

USM Number: 72936-179

Spencer Rice

Defendant's Attorney

### THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment.

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 U.S.C. § 1326	Reentry of a Previously Removed Alien	3/21/2010	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/24/2010

Date of Imposition of Judgment

Signature of Judge

Dale A. Kimball

Name of Judge

U.S. District Judge

Title of Judge

Date

May 25, 2010



DEFENDANT: Mario Alexander Torres-Banegas  
CASE NUMBER: DUTX2:10-CR-00200-001 DAK

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

12 months.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Mario Alexander Torres-Banegas  
CASE NUMBER: DUTX2:10-CR-00200-001 DAK

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
36 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Mario Alexander Torres-Banegas  
CASE NUMBER: DUTX2:10-CR-00200-001 DAK

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally reenter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the U.S. Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the U.S. Probation Office in the District of Utah within 72 hours of arrival in the United States.

## CRIMINAL MONETARY PENALTIES

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Mario Alexander Torres-Banegas  
CASE NUMBER: DUTX2:10-CR-00200-001 DAK

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT

CENTRAL

District of

UTAH

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Olimpia Zuniga-Valle  
aka

Norma Angelica Rodriguez-Jacobo

Case Number:

DUTX 2:10CR00202-001 TC

USM Number:

16899-081

Spencer Rice

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 USC § 1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

05/21/2010

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Name and Title of Judge

Chief, United States District Court Judge

5-24-2010

Date

DEFENDANT: Olimpia Zuniga-Valle  
CASE NUMBER: 2:10CR00202-001 TC

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

## TIME SERVED

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .  
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ , with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Olimpia Zuniga-Valle  
CASE NUMBER: 2:10CR00202-001 TC

## **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

**12 Months**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## **STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.



DEFENDANT: Olimpia Zuniga-Valle  
CASE NUMBER: 2:10CR00202-001 TC

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally reenter the United States

DEFENDANT: Olimpia Zuniga-Valle  
CASE NUMBER: 2:10CR00202-001 TC

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____ 0	\$ _____ 0
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Olimpia Zuniga-Valle  
CASE NUMBER: 2:10CR00202-001 TC

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7-10  
are the  
Statement of Reasons  
which will be docketed  
separately as a sealed  
document

# UNITED STATES DISTRICT COURT

Central

District of

Utah

UNITED STATES OF AMERICA

## JUDGMENT IN A CRIMINAL CASE

V.

Carlos Federico Mendez-Cime

aka

Cima Carlos Mendez

Case Number:

DUTX 2:10CR00203-001 TC

USM Number:

16904-081

Spencer Rice

Defendant's Attorney

### THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 USC § 1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

05/21/2010

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Name and Title of Judge

Chief, United States District Court Judge

5-24-2010

Date

DEFENDANT: Carlos Federico Mendez-Cime  
CASE NUMBER: 2:10CR00203-001 TC

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

## TIME SERVED

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Carlos Federico Mendez-Cime  
CASE NUMBER: 2:10CR00203-001 TC

## **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

### **12 Months**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## **STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Carlos Federico Mendez-Cime  
CASE NUMBER: 2:10CR00203-001 TC

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally reenter the United States.



DEFENDANT: Carlos Federico Mendez-Cime  
CASE NUMBER: 2:10CR00203-001 TC

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

<b>TOTALS</b>	\$ _____ 0	\$ _____ 0
---------------	------------	------------

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Carlos Federico Mendez-Cime  
CASE NUMBER: 2:10CR00203-001 TC

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7-10  
are the  
Statement of Reasons  
which will be docketed  
separately as a sealed  
document

FILED  
2010 MAY 25 AM 10:30  
DISTRICT COURT  
UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v.

Yarlan Lopez

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:10CR000204-001-CW

USM Number: 15982-081

Benjamin C. McMurray

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. §1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

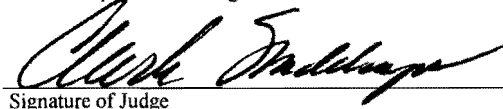
☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/20/2010

Date of Imposition of Judgment



Signature of Judge

Hon. Clark Waddoups

Name of Judge

District Court Judge

Title of Judge

Date

5/24/2010

DEFENDANT: Yarian Lopez  
CASE NUMBER: DUTX2:10CR000204-001-CW

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

6 months. Upon completion of imprisonment, the defendant is remanded to BICE for deportation proceedings.

☒ The court makes the following recommendations to the Bureau of Prisons:

that the defendant be designated to a facility in Arizona

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Yarlan Lopez  
CASE NUMBER: DUTX2:10CR000204-001-CW

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history, or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Yarlan Lopez

CASE NUMBER: DUTX2:10CR000204-001-CW

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally reenter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the U.S. Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the U.S. Probation Office in the District of Utah within 72 hours of arrival in the United States.

CASE NUMBER: DUTX2:10CR000204-001-CW

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



DEFENDANT: Yarlan Lopez  
CASE NUMBER: DUTX2:10CR000204-001-CW

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

# UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v.

Jose Vidal Medina-Hernandez aka Carlos Lopez-Medina

## JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:10-CR-00205-001 DAK

USM Number: 76187-208

Spencer Rice

Defendant's Attorney

### THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment.

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 U.S.C. § 1326	Reentry of a Previously Removed Alien	1/19/2010	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/24/2010

Date of Imposition of Judgment

Signature of Judge

Dale A. Kimball

Name of Judge

U.S. District Judge

Title of Judge

Date

May 25, 2010

DEFENDANT: Jose Vidal Medina-Hernandez aka Carlos Lopez-Me  
CASE NUMBER: DUTX2:10-CR-00205-001 DAK

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Time served.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jose Vidal Medina-Hernandez aka Carlos Lopez-Mc  
CASE NUMBER: DUTX2:10-CR-00205-001 DAK

Judgment—Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
12 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Jose Vidal Medina-Hernandez aka Carlos Lopez-Me  
CASE NUMBER: DUTX2:10-CR-00205-001 DAK

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally reenter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.

DEFENDANT: Jose Vidal Medina-Hernandez aka Carlos Lopez-Me  
CASE NUMBER: DUTX2:10-CR-00205-001 DAK

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$	<u>0.00</u>	\$	<u>0.00</u>
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- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES OF AMERICA,  Plaintiff,  v.  JAVIER ORTIZ-LUNA,  Defendant.	<b>ORDER GRANTING MOTION TO CONTINUE TRIAL</b>  Case No. 2:10-CR-321 TS
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Based upon the stipulation of counsel and good cause appearing:

**IT IS HEREBY ORDERED** that the Motion to Continue the Trial is **GRANTED**.

The Trial in the above case is continued from June 21, 2010 to the 30th day of August, 2010, at the hour of 8:30 a.m.

Pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 et seq., the Court finds that the ends of justice served by a continuance in this case outweigh the best interest of the public and the Defendant in a speedy trial. Further, the court finds that failure to grant a continuance would unreasonably deny the defendant the time his counsel needs to effectively prepare for trial as provided in 18 U.S.C. § 3161(h)(8)(B)(iv) and would also undermine his ability to understand the deportation consequences in his case.

The time of the delay shall constitute excludable time under the Speedy Trial Act.

**DATED** this 25th day of May, 2010.

**BY ORDER OF THE COURT:**



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**HONORABLE TED STEWART**  
United States District Court Judge



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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

GIOVANI MEJIA,

Defendant.

:  
:  
:  
:

Case No. 2:10-CR-402 DAK

ORDER SETTING DISPOSITION  
DATE AND EXCLUDING TIME  
FROM SPEEDY TRIAL  
COMPUTATION

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This matter came before this Court on 5/25/10 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Spencer Rice . The United States was represented by Assistant United States Attorney Stan Olsen. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

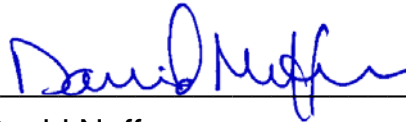
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for **7/26/10 at 3:30 p.m.** before **Judge Dale A. Kimball**.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between **5/25/10** (the date of this appearance), and **7/26/10** (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 25th day of May, 2010.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States Magistrate Judge

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,	:	Case No. 2:10-CR-406 DB
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
HECTOR HERNANDEZ-CORNEJO,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

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This matter came before this Court on 5/25/10 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Carlos Garcia . The United States was represented by Assistant United States Attorney Stan Olsen. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

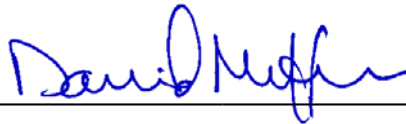
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for **7/22/10 at 2:30 p.m.** before **Judge Dee Benson**.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between **5/25/10** (the date of this appearance), and **7/22/10** (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 25th day of May, 2010.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States Magistrate Judge

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,	:	Case No. 2:10-CR-407 TS
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
FERNANDO ESTRADA-TIENDA,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

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This matter came before this Court on 5/25/10 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Carlos Garcia . The United States was represented by Assistant United States Attorney Stan Olsen. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for **7/19/10 at 3:00 p.m.** before **Judge Ted Stewart**.

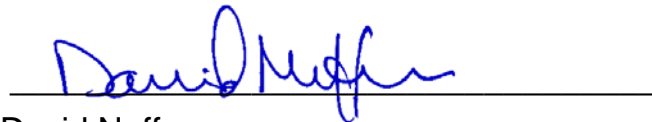
This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel



for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between **5/25/10** (the date of this appearance), and **7/19/10** (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 25th day of May, 2010.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States Magistrate Judge

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,	:	Case No. 2:10-CR-408 DAK
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
HECTOR TORRES-MEDINA,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

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This matter came before this Court on 5/25/10 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Spencer Rice . The United States was represented by Assistant United States Attorney Stan Olsen. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

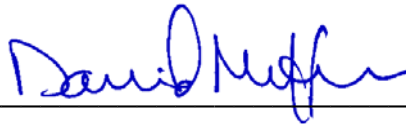
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for **7/26/10 at 3:00 p.m.** before **Judge Dale A. Kimball**.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between **5/25/10** (the date of this appearance), and **7/26/10** (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 25th day of May, 2010.

BY THE COURT:



---

David Nuffer  
United States Magistrate Judge

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,	:	Case No. 2:10-CR-409 TS
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
JOSE VALENZUELA-GAXIOLA,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

---

This matter came before this Court on 5/25/10 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Carlos Garcia . The United States was represented by Assistant United States Attorney Stan Olsen. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

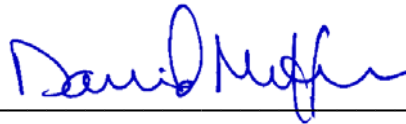
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for **7/19/10 at 3:30 p.m.** before **Judge Ted Stewart**.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between **5/25/10** (the date of this appearance), and **7/19/10** (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 25th day of May, 2010.

BY THE COURT:



---

David Nuffer  
United States Magistrate Judge

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,	:	Case No. 2:10-CR-410 CW
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
ROBERTO BAUTISTA-RODRIGUEZ,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

---

This matter came before this Court on 5/25/10 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Carlos Garcia . The United States was represented by Assistant United States Attorney Stan Olsen. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.



This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

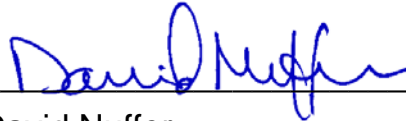
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for **7/19/10 at 2:30 p.m.** before **Judge Clark Waddoups**.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between **5/25/10** (the date of this appearance), and **7/19/10** (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 25th day of May, 2010.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States Magistrate Judge

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,	:	Case No. 2:10-CR-411 TC
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
MARIO RAMIREZ-GARCIA,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

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This matter came before this Court on 5/25/10 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Spencer Rice . The United States was represented by Assistant United States Attorney Stan Olsen. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

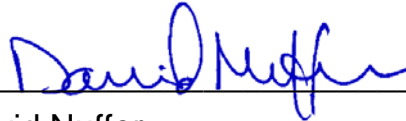
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for **7/19/10 at 3:00 p.m.** before **Judge Tena Campbell**.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between **5/25/10** (the date of this appearance), and **7/19/10** (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 25th day of May, 2010.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States Magistrate Judge

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,	:	Case No. 2:10-CR-412 CW
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
CARLOS FERNANDO-MENDEZ,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

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This matter came before this Court on 5/25/10 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Carlos Garcia . The United States was represented by Assistant United States Attorney Stan Olsen. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.


The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for **7/20/10 at 2:30 p.m.** before **Judge Clark Waddoups**.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between **5/25/10** (the date of this appearance), and **7/20/10** (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 25th day of May, 2010.

BY THE COURT:



---

David Nuffer  
United States Magistrate Judge



Chris D. Jones, #8217  
H. Douglas Owens, #7762  
Michael N. Thatcher, #11276  
HOLLAND & HART LLP  
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Salt Lake City, Utah 84101  
Telephone: (801) 799-5800  
Fax: (801) 799-5700  
*Attorneys for Defendants  
Harvest (US) Holdings, Inc. and  
Elton Blackhair*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ROBERT C. BONNET, *et al.*,

Plaintiffs,

vs.

HARVEST (US) HOLDINGS, INC., *et al.*,

Defendants.

**ORDER GRANTING UNOPPOSED  
MOTION TO EXTEND TIME FOR  
RESPONDING TO COMPLAINT**

Civil Action No. 2:10cv00217

Judge Clark Waddoups

Upon consideration of the Unopposed Motion to Extend Time to Respond to Complaint, the Court hereby grants the Motion and orders that Defendants Harvest (US) Holdings, Inc. and Branta Exploration & Production, LLC, may file answers or otherwise respond to the Complaint by June 15, 2010.

Dated this 25th day of May, 2010.



Clark Waddoups  
United States District Judge

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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GAEDEKE HOLDINGS VII, LTD., a Texas  
limited partnership, WILD WEST  
INVESTMENTS, LLC, a Texas limited  
liability company, and CIMARRON RIVER  
INVESTMENTS, LLC, a Texas limited  
liability company,

Plaintiffs,

v.

DUDLEY & ASSOCIATES, LLC, a  
Delaware limited liability company,

Defendant.

**ORDER GRANTING MOTION FOR  
EXTENSION OF TIME**

Civil No. 2:10-cv-00220-SA

Judge Clark Waddoups

Based on the stipulation of Plaintiffs Gaedeke Holdings VII, Ltd., Wild West  
Investments, LLC, and Cimarron River Investments, LLC (collectively "Plaintiffs"), and  
Defendant Dudley & Associates, LLC, and good cause appearing,

IT IS HEREBY ORDERED that Plaintiffs shall have until and including Wednesday,  
July 7, 2010, to file and serve their Reply in Support of Motion for Declaratory Judgment.

DATED this 25th day of May, 2010.

BY THE COURT



---

Clark Waddoups  
United States District Judge

*Prepared by:*

Alan L. Sullivan (3152)

Todd M. Shaughnessy (6651)

J. Elizabeth Haws (11667)

Snell & Wilmer L.L.P.

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Mark Lambert (Cal. Bar No. 197410)

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Cooley Godward Kronish, LLP

Five Palo Alto Square

Palo Alto, California 94306-2109

Telephone: (650) 843-5003

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

PUBLIC ENGINES, INC., a Delaware  
Corporation,

Plaintiff,

vs.

REPORTSEE, INC., a Delaware  
Corporation,

Defendant.

**ORDER GRANTING PLAINTIFF'S *EX*  
*PARTE* MOTION FOR LEAVE TO FILE  
OVERLENGTH REPLY MEMORANDUM  
IN SUPPORT OF PUBLIC ENGINE'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

Case No. 2:10-cv-317

Honorable Tena Campbell

Having considered Plaintiff's Ex Parte Motion for Leave to File Overlength Reply Memorandum in Support of Public Engines' Motion for Preliminary Injunction ("Motion"), and for good cause appearing,

FILED  
U.S. DISTRICT COURT  
2010 MAY 25 A 11:22  
DISTRICT OF UTAH  
BY: [Signature] CLERK

THE COURT HEREBY ORDERS that the Motion is granted and Plaintiff is granted leave to file the requested overlength memorandum.

ENTERED this 25<sup>th</sup> day of May, 2010.

  
BY THE COURT:  
Honorable Tena Campbell  
United States District Court

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

FILED  
U.S. DISTRICT COURT

2010 MAY 25 A 11:31

Hugo Martinez,  
Plaintiff

v.

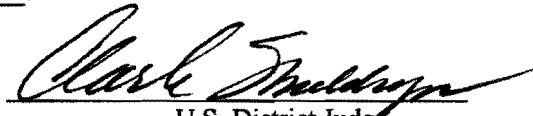
Credit One Bank, N.A., et al.  
Defendants

:  
:  
: ORDER FOR PRO HAC VICE ADMISSION  
:  
:  
:

: Case Number

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of ERIC J. HARDEMAN in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 24<sup>th</sup> day of May, 2010.

  
U.S. District Judge

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

FILED  
U.S. DISTRICT COURT  
2010 MAY 24 P 4:37

Metro Aviation,  
Plaintiff

v.

USA,  
Defendant

ORDER FOR PRO HAC VICE ADMISSION

Case Number 2:10-cv-00445-TC

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Mark Northcraft in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 24<sup>th</sup> day of May, 20 10.

Tena Campbell

U.S. District Judge

FILED  
U.S. DISTRICT COURT

2010 MAY 24 P 12 37

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

Metro Aviation,  
Plaintiff

v.

USA,  
Defendant

ORDER FOR PRO HAC VICE ADMISSION

Case Number 2:10-cv-00445-TC

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Andrew Biggs in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 24<sup>th</sup> day of May, 2010.

Jena Campbell

U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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HENRY CLAY HOPKINS,	)	<b>O R D E R</b>
	)	
Plaintiff,	)	Case No. 2:10-CV-455 DAK
	)	
v.	)	District Judge Dale A. Kimball
	)	
CURTIS L. GARNER et al.,	)	
	)	
Defendants.	)	

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Plaintiff/inmate, Henry Clay Hopkins, submits a *pro se* civil rights case.<sup>1</sup> Plaintiff applies to proceed without prepaying his filing fee.<sup>2</sup> However, Plaintiff has not as required by statute submitted "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the *6-month period immediately preceding the filing of the complaint . . .* obtained from the appropriate official of each prison at which the prisoner is or was confined."<sup>3</sup>

IT IS HEREBY ORDERED that Plaintiff's application to proceed without prepaying his filing fee is GRANTED.

So that the Court may calculate Plaintiff's initial partial filing fee, IT IS ALSO ORDERED that Plaintiff shall have thirty days from the date of this Order to file with the Court a certified copy of his inmate trust fund account statement(s). If

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<sup>1</sup>See 42 U.S.C.S. § 1983 (2010).

<sup>2</sup>See 28 *id.* § 1915.

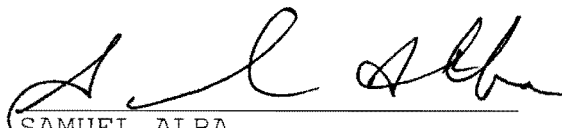
<sup>3</sup>See *id.* § 1915(a)(2) (emphasis added).



Plaintiff was held at more than one institution during the past six months, he shall file certified trust fund account statements (or institutional equivalent) from the appropriate official at each institution where he was confined. The trust fund account statement(s) must show deposits and average balances for each month. If Plaintiff does not fully comply, his complaint will be dismissed.

DATED this 21<sup>st</sup> day of May, 2010.

BY THE COURT:

A handwritten signature in cursive script, appearing to read 'S. Alba', written over a horizontal line.

SAMUEL ALBA

United States Magistrate Judge

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

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JOSEPH T. SORENSON,

Plaintiff,

v.

JOSE ARTURO RIFFO, ALAN C.  
MONSON, CRYPTO CORPORATION,  
GLOBAL DATABASE INFORMATION  
SYSTEMS, and DIPPARD FINANCIAL &  
GUARANTY GROUP,

Defendants.

**ORDER CONSOLIDATING CASES  
AND DENYING MOTION TO  
WITHDRAW REFERENCE**

Case No. 2:06-cv-00749-DAK-DN

Judge Dale A. Kimball

This matter is before the court on several motions filed by Plaintiff Joseph T. Sorenson: (1) Motion to Consolidate [Docket No. 390]; (2) Motion to Withdraw Reference and for Relief from the Automatic Stay [Docket No. 389]; and (3) Motion for Expedited Briefing on the first two motions [Docket No. 392].

Plaintiff seeks to consolidate into this action two other related actions: (1) *Sorenson v. Monson*, Case No. 2:10cv464TC, and (2) *Sorenson v. Global Database Information Systems, Inc.*, Case No. 2:10cv466DAK. Judge Jenkins has already consolidated another related action, *Sorenson v. Crypto Corporation, Inc.*, 2:10cv465BSJ, into the present action. These related actions involve identical motions to withdraw the reference and for relief from the automatic stay arising out of the bankruptcy cases filed on the eve of trial by several of the defendants in the present action.

Based on the relationship of these actions, they are appropriately consolidated under Rule

42 of the Federal Rules of Civil Procedure. The court, therefore, consolidates *Sorenson v. Monson*, Case No. 2:10cv464TC, and *Sorenson v. Global Database Information Systems, Inc.*, Case No. 2:10cv466DAK into the present case. Accordingly, Plaintiffs' Motion to Consolidate is granted.

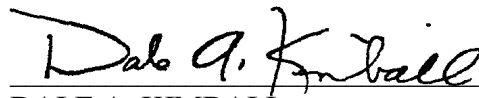
With respect to Plaintiff's motions to withdraw reference and for relief from the automatic stay, the court concludes that the bankruptcy court is in the best position to determine whether relief from the automatic stay should be granted. Accordingly, the court denies Plaintiff's motions to withdraw reference and for relief from the automatic stay without prejudice.

Given the court's ruling on the first two motions, Plaintiff's Motion for Expedited Briefing on the first two motions is moot.

Accordingly, Plaintiff's (1) Motion to Consolidate [Docket No. 390] is GRANTED; (2) Motion to Withdraw Reference and for Relief from the Automatic Stay [Docket No. 389] is DENIED WITHOUT PREJUDICE; and (3) Motion for Expedited Briefing on the first two motions [Docket No. 392] is MOOT.

DATED this 21<sup>st</sup> day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL  
United States District Judge

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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

---

JOSEPH T. SORENSON,

Plaintiff,

v.

JOSE ARTURO RIFFO, ALAN C.  
MONSON, CRYPTO CORPORATION,  
GLOBAL DATABASE INFORMATION  
SYSTEMS, and DIPPARDO FINANCIAL &  
GUARANTY GROUP,

Defendants.

**ORDER CONSOLIDATING CASES  
AND DENYING MOTION TO  
WITHDRAW REFERENCE**

Case No. 2:06-cv-00749-DAK-DN

Judge Dale A. Kimball

This matter is before the court on several motions filed by Plaintiff Joseph T. Sorenson: (1) Motion to Consolidate [Docket No. 390]; (2) Motion to Withdraw Reference and for Relief from the Automatic Stay [Docket No. 389]; and (3) Motion for Expedited Briefing on the first two motions [Docket No. 392].

Plaintiff seeks to consolidate into this action two other related actions: (1) *Sorenson v. Monson*, Case No. 2:10cv464TC, and (2) *Sorenson v. Global Database Information Systems, Inc.*, Case No. 2:10cv466DAK. Judge Jenkins has already consolidated another related action, *Sorenson v. Crypto Corporation, Inc.*, 2:10cv465BSJ, into the present action. These related actions involve identical motions to withdraw the reference and for relief from the automatic stay arising out of the bankruptcy cases filed on the eve of trial by several of the defendants in the present action.

Based on the relationship of these actions, they are appropriately consolidated under Rule

42 of the Federal Rules of Civil Procedure. The court, therefore, consolidates *Sorenson v. Monson*, Case No. 2:10cv464TC, and *Sorenson v. Global Database Information Systems, Inc.*, Case No. 2:10cv466DAK into the present case. Accordingly, Plaintiffs' Motion to Consolidate is granted.

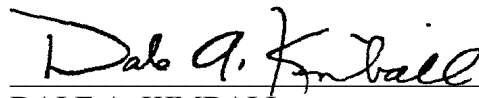
With respect to Plaintiff's motions to withdraw reference and for relief from the automatic stay, the court concludes that the bankruptcy court is in the best position to determine whether relief from the automatic stay should be granted. Accordingly, the court denies Plaintiff's motions to withdraw reference and for relief from the automatic stay without prejudice.

Given the court's ruling on the first two motions, Plaintiff's Motion for Expedited Briefing on the first two motions is moot.

Accordingly, Plaintiff's (1) Motion to Consolidate [Docket No. 390] is GRANTED; (2) Motion to Withdraw Reference and for Relief from the Automatic Stay [Docket No. 389] is DENIED WITHOUT PREJUDICE; and (3) Motion for Expedited Briefing on the first two motions [Docket No. 392] is MOOT.

DATED this 21<sup>st</sup> day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL  
United States District Judge

TODD M. SHAUGHNESSY (6651)  
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Facsimile: (214) 969-5100

*Attorneys for Defendants/Counter-Plaintiffs*

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

MAY 25 2010  
BY D. MARK JONES, CLERK  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

**BOSTON SCIENTIFIC CORPORATION,**

**Plaintiff,**

**v.**

**MIKELLE MABEY, ADVANCED  
NEUROMODULATION SYSTEMS, INC. D/B/A ST.  
JUDE NEUROMODULATION DIVISION, AND ST.  
JUDE MEDICAL, INC.,**

**Defendants.**

**ORDER FOR PRO HAC VICE ADMISSION**

**Civil No. 2:10-CV-00467**

**Honorable Dee Benson**

It appearing to the Court that Petitioner meets the *pro hac vice* admission requirements of D.U. Civ. Rule 83-1.1(d), the motion for the admission *pro hac vice* of Brian Michael Jorgensen in the United States District Court, District of Utah, in the subject case is GRANTED.

DATED this 25<sup>th</sup> day of May, 2010.

BY THE COURT:

A handwritten signature in cursive script that reads "Dee Benson". The signature is written in black ink and is positioned above a horizontal line.

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Honorable Dee Benson  
United States District Judge

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*Attorneys for Defendants/Counter-Plaintiffs*

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

MAY 25 2010  
BY D. MARK JONES, CLERK  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

<b>BOSTON SCIENTIFIC CORPORATION,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>MIKELLE MABEY, ADVANCED</b> <b>NEUROMODULATION SYSTEMS, INC. D/B/A ST.</b> <b>JUDE NEUROMODULATION DIVISION, AND ST.</b> <b>JUDE MEDICAL, INC.,</b>  <b>Defendants.</b>	<b>ORDER FOR PRO HAC VICE ADMISSION</b>    <b>Civil No. 2:10-CV-00467</b>  <b>Honorable Dee Benson</b>
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It appearing to the Court that Petitioner meets the *pro hac vice* admission requirements of D.U. Civ. Rule 83-1.1(d), the motion for the admission *pro hac vice* of Matthew Walter Ray in the United States District Court, District of Utah, in the subject case is GRANTED.



DATED this 25<sup>th</sup> day of May, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive style with a long horizontal flourish at the end.

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Honorable Dee Benson  
United States District Judge

FILED  
U.S. DISTRICT COURT

2010 MAY 24 P 4:23

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

BY: *AG*

BRUNSWICK ACCEPTANCE CO.,

Plaintiff,

v.

HALSTROM MARINE AND R.V.,

Defendant.

ORDER OF RECUSAL

Case No. 2:10CV481 DAK

I recuse myself in this case and ask that the appropriate assignment card equalization be drawn by the clerk's office.

DATED this 24<sup>th</sup> day of May, 2010.

BY THE COURT:

*Dale A. Kimball*  
DALE A. KIMBALL  
United States District Judge